

Elevator Incident Investigation Crockett Hotel, San Antonio

Location: Crockett Hotel 320 Bonham Street, San Antonio, TX 78205

ELBI: 3325 **Decal:** 010070

Date of Incident: December 28, 2011

Date of Last Annual Inspection: December 14, 2010 by Inspector 20059

Date of Last Five-Year Inspection: October 16, 2008 by Inspector: 20059

Certificate Expiration Date: December 14, 2011

Applicable Codes and Standards:

Chapter 754 Health and Safety Code (The Act)

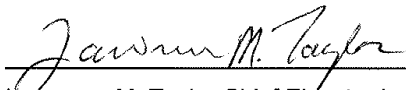
Chapter 74 Administrative Rules (The Rules)

ASME A17.1-2007 Section 8.1, 8.6 and 8.11

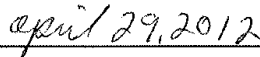
ASME A17.3-2002

Chief Elevator Inspector: Lawrence Taylor, Texas Department of Licensing and Regulation

This report was reviewed and approved by the Department as noted below:



Lawrence M. Taylor-Chief Elevator Inspector-TDLR



Date Signed

EQUIPMENT DESCRIPTION

Electric Overhead Traction Passenger Elevator Manufactured by Otis Elevator Company and installed in 1981.

Controller: Serial # 265912-Sales # 653621-Type MRV3520-480 volts- 3 Phase-3 wires-60 Hertz-Letter Designation S-Wiring Diagram 7-2S7402AV-Date 5-1-81

Machine: 215DT Geared Overhead Traction Machine with rope brake 4ea 5/8 in lang lay suspension ropes-Gear Box Part # 7575BS-Serial # ODP8291-01 Gear Ratio 32.4 to 1-Oil capacity 7.5 qts

Brake: Hilliard Corp, Elmyra, NY-5006 Rev Y-Across the line

Governor: Otis Type 7063A-8x19 rope-3/8 in-200 fpm-tripping speed 280 fpm sales# 653621

Rated Capacity-3500 lbs **Rated Car Speed-**200 fpm **Buffer Type-**Spring

42 in single speed side sliding right hand doors-8 stops and 8 openings in line B-1-2-3-4-5-6-7

BACKGROUND

At approximately 9:00 AM, December 29, 2011, I received information indicating there had been an incident on an elevator at the Crockett Hotel in San Antonio resulting in a fatality. The report was that a female employee (Gloria Rodriguez) had fallen down the hoistway to her death the previous evening at approximately 5:00 PM. I looked up the building contact information on my computer, contacted the hotel manager, William Brendel, by phone, and told him to be sure no one did anything to the elevator - I would be there as soon as possible. I also spoke with Greg Wynn of OSHA who gave me his cell number and asked that I call him when I got close to San Antonio so he could meet me at the site.

It should be noted for the record that complete category 1 or category 5 periodic inspections as described in The Safety Code for Elevator and Escalators ASME A17.1-2007 Section 8.11 were not performed by me during my site visit made on December 29, 2011 or any subsequent visits.

December 29, 2011

I arrived at the Crockett Hotel at approximately 4:30PM and met with Mr. Brendel the General Manager. He told that there were several more owner representatives arriving by plane shortly. He also told me that Otis Elevator Company was the maintenance contractor for the facility. It was decided to wait until the owner's representatives arrived before proceeding any further.

After the owner's representatives arrived, we met briefly in a room at the Lobby level. Introductions were made and I briefly described the processes that would be followed and solicited their suggestions on how to proceed as well. Those in attendance included Lawrence Taylor-TDLR, Greg Wynn-OSHA, Henry Mora-Owner, Dan Dick-Owner, Michael Healy-Owner, Hector Venegas-Owner, Bradley Bingham-Otis Attorney, Michael Jozwiak-Otis, Mike Jonas-Otis and Randy Bailey-Otis. I explained that the elevator inspections were past due as of December 14, 2011 at the Crockett Hotel and December 15, 2011 at the Menger Hotel (also owned by the same group). I had been instructed by Executive to inform the owners that the statutory inspections were required to be performed ASAP on all equipment at the Menger and the two guest elevators at the Crockett. The owner's representatives readily agreed to make this happen. Mr. Venegas pointed out that the inspections had been previously scheduled with the inspector and maintenance contractor for December 22, 2011, but that the maintenance contractor had asked to postpone the inspections/tests due to a shortage of personnel during the holidays and so forth. (I was subsequently informed by owner representatives that the actual dates the inspections were scheduled were December 6 and 12, 2011)

The maintenance contractor representatives present at this meeting (Bradley Bingham, Michael Jozwiak, Mike Jonas, Randy Bailey) acknowledged that they had postponed the inspections. I informed the owners personnel that it was the responsibility of the owner to have the equipment inspected on time and that the postponement by the maintenance contractor did not absolve the owner from their responsibilities under the Act and the Rules. See below:

Sec. 754.019. DUTIES OF REAL PROPERTY OWNERS.

Health & Safety Code, Chapter 754, Subchapter B Page 8-S June 19, 2009

(a) The owner of real property on which equipment covered by this subchapter is located shall:

(1) have the equipment inspected annually by a certified inspector;

74.70. Responsibilities of the Building Owner. (*§74.70 effective January 7, 1994, 18 TexReg 9929; amended effective October 1, 1995, 20 TexReg 7279; amended effective August 1, 1999, 24 TexReg 5867; amended effective February 6, 2003, 28 TexReg 929; amended effective December 1, 2003, 28 TexReg 10460; amended effective February 1, 2006, 31 TexReg 488; amended effective February 1, 2008, 33 TexReg 749*)

(a) The building owner shall:

(1) obtain the services of an inspector registered with the Department to perform inspections in accordance with §74.75 and §74.100;

(2) keep the equipment free from reportable conditions;

(3) have all violations cited on an inspection report;

(A) corrected within 60 calendar days of the date of inspection;

(B) have them under contract to be corrected and all work completed not later than the next inspection due date; or

(C) have an approved waiver or delay.

(b) The owner of the building in which equipment is located shall have such equipment inspected at an interval not to exceed every twelve (12) months to determine compliance with the applicable standards adopted in §74.100.

It was at this time that I was informed by Mike Joswiak (Otis) and Bill Brendel (owner's representative) that the unit had been turned off, locked and tagged by the maintenance contractor and that no activity beyond that required to remove the victim from the hoistway and the cleanup had been performed. I was informed by these same individuals that the unit had not been moved or any parts or components physically touched or repaired. Mike Joswiak said that the car was located at the top landing but where in relationship to the floor level was unknown.

The group then proceeded to the machine room to begin looking at the equipment. While conducting a cursory first look at the machine room equipment, I was contacted by Executive and instructed to temporarily stop the investigation and check the other two guest units at the Crockett Hotel and to also go over to the Menger Hotel and verify that the means of door restriction at both locations for all units in operation was functioning properly. At the time there was concern that the lack of a means of door restriction or failure of the means to function properly may have contributed to the incident at the Crockett and it was imperative that all means of door restriction be checked to insure compliant

operation. This check of the means of door restriction at both locations took several hours to complete. I checked the two guest units at the Crockett and found the means of door restriction to be functioning and then proceeded to check the Menger location where 3 units were found to be non-compliant and were removed from service while the maintenance contractor made the necessary repairs. I returned to The Menger later in the same evening after the maintenance contractor completed repairs and two of the 3 units removed from service were then found to now be in compliance. One unit, the loading dock elevator, needed parts and remained out of service overnight.

Upon completing this task we reconvened at the Crockett and after some discussion mutually agreed to stop and reconvene at 8:00AM the next morning due to the late hour.

The following observations regarding the conditions existing in the machine room of elevator 010070 at The Crockett Hotel and the systems in general were observed on December 29, 2012 prior to beginning the check of the means of door restriction as described above. Where a violation of a code, the Act or the Rules applies, that will be noted in parentheses within each notation. **NOTE:** This is not an all inclusive list of violations, but only what I could confirm during my initial observations.

1. The machine room lighting was inoperative (A17.3-2002-2.2.3)
2. The B1 resistor on the back of the swing panel in the controller has been disconnected.
 - a. The resistor adjacent to the B1 resistor has been jumped out with a red alligator clip style jumper (A17.1-2007-8.6.1.6.3d)
3. Another resistor, the far left one of a group of 5 has also been disconnected
4. There was no readily apparent code data plate (8.6.1.5 and 8.9)
5. There was no readily apparent maintenance control program available in the building (A17.1-2007-8.6.1.2.1 and Chapter 74.70c)
6. There were no readily apparent instructions for locating the maintenance control program in the machine room on the controller (A17.1-8.6.1.2.1b)
7. There were no readily apparent maintenance records available in the building and the record keeping pamphlet in the machine room was completely blank (A17.1-2007-8.6.1.4 and Chapter 74.70c)
8. There was no readily apparent emergency evacuation plan available in the building (A17.1-2007-8.6.11.4)

9. There was no readily apparent monthly fire service test record available in the building (A17.1-2007-8.6.11.1)
10. There was an obvious wire jumper laying in the bottom of the controller cabinet and another one connected around a resistor as noted above (A17.1-2007-8.6.1.6.3d)
11. Fuse #4 was labeled for a 3 amp fuse but contained a 3.25 amp fusetron time delay fuse
12. The flexible metal conduit at the drive machine brake was pulled loose from the fitting exposing the conductors
13. The governor overspeed switch was tripped in the up direction but the governor jaws were not tripped
14. The rope brake was tripped
15. There is no fire alarm initiating device in the machine room and thus Phase I recall from a fire in the machine room is not possible. (A17.3-2002-3.11.3)
16. There do not appear to have been any wiring changes made to the controller to provide the required version of firefighters' emergency operation making it doubtful that compliance with A17.3-3.11.3 is provided. This will need to be verified if and when this unit is ever placed back into operation. (A17.3-2002-3.11.3)
17. The inspections on all three units were past due (Chapter 754.019(a) 1 and 2)
18. There was what appeared to be a used drive machine brake laying on the machine room floor.

December 30, 2011

The group reassembled in the morning of December 30, 2011. Those in attendance included Lawrence Taylor-TDLR, Dan Dick-Owner, Michael Healy-Owner, Bradley Bingham-Otis Attorney, Michael Jozwiak-Otis, Mike Jonas-Otis, Randy Bailey-Otis, and Henry Mora-Owner. It was at this point in the full light of day that it was noticed that the motor coupling was broken and the rope brake was set. Mr. Bingham informed the group that the consultant for the maintenance contractor was on his way to the site and should be there in a short while. After some discussion it was decided to await the arrival of the consultant before proceeding. Some brief discussion ensued regarding possibly moving the car at some point and Mr. Bingham requested that the owner provide him written direction to do so.

Mr. John Donnelly, the maintenance contractor's consultant arrived at approximately 11:15AM and after some discussion the group went to the machine room. Subsequently, Mr. Donnelly asked if we could open the doors at the 7th floor and I agreed. Upon opening the doors we observed that the car

was approximately 5.5 inches above the top floor landing sill. We then opened the car doors and found a portion of the car ceiling and stringer (the left most panel as you look into the car from the landing) was laying on the floor. A closer look also revealed a 6 ft step ladder folded up and leaning against the car enclosure wall on the left most wall panel as you look into the car from the landing. Mr. Donnelly and I entered into the car and Mr. Donnelly checked the car two-way communications device and found it to be operational. Also during this time period we checked the car door restrictor clutch (which I understand was installed approximately one week earlier) and found it operational. The old non-restricting clutch and various pieces of hardware were found laying on the 7th floor surface to the left hand side of the elevator landing. A piece of the old car door clutch mechanism not necessary for the operation of the new car door restrictor clutch was found still hanging on the car door.

It was also observed the car emergency exit panel was above a seemingly undisturbed car ceiling panel. Mr. Donnelly moved it aside within the frame (from center to the left) to expose the car emergency exit panel. Using his flashlight he pressed against the panel and found it not to be secured (it was openable from inside the car) from the car top as required by the adopted standards.

Mr. Donnelly asked to open the 6th floor doors but I denied this request as I didn't want to disturb the potential evidence by opening the doors before we had an opportunity to look at them from the inside. However, I had previously gone from the 6th floor down the stairs checking every hoistway entrance to see if it was openable from outside the hoistway with the car away from the landing. I could not do so at any landing.

When the lowest landing was reached, we opened the hoistway doors and looked into the pit (something I had done the previous day) and observed the car counterweight sitting on the spring counterweight buffer, the hazmat cleaned area where the body was found in the pit and the pit stop switch in the off (open) position. After looking at the pit the doors were closed. The group agreed to return and start anew on Tuesday January 3, 2012 at some time in the late morning.

After I left the site I went to the TDLR office to check on the incident report from the owner. Mr. Brendel had faxed it to my office fax machine and I stamped it and left it for the staff to record and process on January 3, 2012 when they returned from the holiday.

The following observations regarding the conditions existing in the machine room of elevator 010070 at The Crockett Hotel were observed on December 30, 2012:

1. The motor coupling does not appear to comply with the requirements of The Safety Code for Existing Elevators ASME A17.3-2002, nor does it comply with the A17.1 code that would have been in effect at the time of manufacture had there been a statewide mandated elevator code (A17.3-3.8.1) (subsequently, I received a letter from the manufacturer stating that it does comply, but with no specifics on how compliance is provided)
2. The plastic flexible disks in the brake coupling were broken
3. There was oil on the machine room floor underneath the drive machine (A17.1-2007-8.6.4.8.1)
4. The paper wiring diagrams found in the machine room were worn and torn in such a way as to make portions of the critical operating circuits illegible (A17.1-2007-8.6.1.6.3a)
5. The suspension ropes appeared to be over-lubricated (A17.1-2007-8.6.4.1.2)
6. The car top emergency exit panel was not secured so as to only be openable from the top of the car. The panel could be opened from inside the car (A17.3-2002-3.4.4a)
7. There is what appears to be a used drive machine brake indicating that the brake assembly had been previously replaced. There is no evidence that the holding ability of the new brake was verified as required (125% brake test) (A17.1-2007-8.6.4.6.2)

January 3, 2012

The group re-convened at approximately 12:30 PM. Those in attendance included Lawrence Taylor-TDLR, Bradley Bingham-Otis Attorney, Greg Wynn-OSHA, Jim Staggs-Otis, John Donnelly-Otis Consultant, Randy Bailey-Otis, Mike Healy-Owner, Jim Watson-Owner Attorney, Zack McCain-Owner Consultant, Dan Dick-Owner, Bill Brendel-Owner, Henry Mora-Owner, Michael Jozwiak-Otis, Mike Jonas-Otis, and Lawrence Deloach-Otis. Prior to the arrival of the entire group I took possession of the old door restrictor discovered as mentioned previously on the 7th floor adjacent to the elevator 010070.

A discussion was held regarding the protocols that would be followed as the investigation progressed. Prior to trying to operate the car, the hoistway doors were checked again to insure the doors could not be opened from the landing when the car was not at that landing.

It was decided that the power would be restored to the controller and a determination made as to which electrical protective devices were open. This was difficult to do since each individual device was not located separately in the circuit and the wiring diagrams in the machine room were difficult to read (the maintenance contractor obtained a copy of some diagrams from somewhere and those were used). It appeared that the car was on the top final limit switch and the car safety operated switch was also open. An attempt was made to run the car down on inspection speed. It was then discovered that the car was resting on its car safety mechanisms. A 2nd protocol was written that permitted the car to be hoisted to get the car off the safeties so it could be operated. Additionally at some point in this process, it was discovered that the bearing in the deflector sheave was defective.

After the car was hoisted up and the car safety mechanisms were reset, the car was operated at full speed in both the up and down direction for short distances. The noise from the broken motor coupling flexible disks and bad bearing was almost unbearable in the machine room and according to others could be heard well down into the building. The entire drive machine shook and the car was turned off at the 7th floor after resting at the 7th for a visual observation of the car top by everyone present.

At this point another protocol was written that permitted the unit to be moved only so that the deflector sheave could be removed for repair and for the motor coupling to be replaced. The maintenance contractor needed to obtain personnel and equipment to effect these repairs and the work was planned to begin on the morrow.

January 4, 2012

The group was re-convened the next day. Those in attendance when the repair crews arrived were Lawrence Taylor-TDLR, Jim Watson-Owner Attorney, Dan Dick-Owner, Bill Brendel-Owner, Mike Healy-Owner, David Gonzales-TDLR, Henry Mora-Owner, Lawrence Deloach-Otis, Jim Stagg-Otis, Randy Bailey-Otis, Wesley Welch-Otis, John Portillo-Otis, and Trent Pressley-Otis.

The sheave was removed and readied for transport and afterwards the old motor coupling was removed but the replacement was not made. The sheave was then removed from the roof and transported to the machine shop and was accompanied by Lawrence Taylor, John Portillo, David Gonzales and Trent Pressley. (In my absence the machine room was secured by Henry Mora.) Mike Jozwiak then met us at the machine shop of Manual Rivera with the bearings, which were the wrong

ones. Mike went back and returned with the right ones. We watched the machinist remove the shaft and de-mount the bearings and David Gonzales and I took possession of all old bearing parts. Mr. Rivera checked and found the sheave shaft was 0.0015 inch smaller than tolerance on the side where the defective bearing had been previously. The maintenance contractor instructed the machinist to make the necessary repairs. Due to how long this was going to take I authorized the maintenance contractor to complete the repairs and set the repaired sheave on the landing of the machine room but not enter the room. They agreed. I returned to the site and spoke with Henry Mora who agreed to make sure the sheave got to the roof, but that no one entered the room. The replacement of the motor coupling and the re-installation of the repaired sheave would proceed in the morning.

January 5, 2012

The group re-convened at the site and the repairs were completed. Those in attendance included Lawrence Taylor-TDLR, John Portillo-Otis, Lawrence Deloach-Otis, Wesley Welch-Otis, and Randy Bailey-Otis. The installation of the new motor coupling and the repaired sheave was completed at approximately 9:45 AM. The equipment was locked and tagged out of service and the machine room secured as verified by me and Henry Mora prior to my leaving the site at around 10:30 AM. The group is scheduled to reconvene at 9AM Monday January 9, 2012.

January 9, 2012

The group reconvened at the site and a written protocol was developed. Those in attendance included Lawrence Taylor-TDLR, Michael Healy-Owner, Henry Mora-Owner, Tom Redelin-Owner Attorney, Dan Dick-Owner, Greg Wynn-OSHA, Bill Brendel-Owner, Brad Bingham-Otis Attorney, John Donnelly-Otis Consultant, Zack McCain-Owner Consultant, Lawrence Deloach-Otis, Randy Bailey-Otis, Mike Jonas-Otis, and Mike Jozwiak-Otis.

After some group discussion we proceeded to the machine room to check the car brake against the information received from the manufacturer for the Hilliard brake assembly. We measured the thickness of the friction disk and found it to be 0.588 inch using a dial caliper. The specifications say the disk should be replaced if the dimension is less than 5/8 inch (0.625inch). As noted this is not within the acceptable parameters.

We next measured the friction disk backlash. This was found to be so small as to not be capable of being measured. The maximum is 1/8 inch(0.125inch). This was within the acceptable parameters.

We next measured the maximum armature air gap. The maintenance contractor used feeler gauges. The maintenance provider stopped measuring at 0.64 inch. The parameters are between 0.08 inch and 0.10 inch. Using a dial caliper we measured 0.105 inch. As noted this is not within the acceptable parameters.

We then proceeded to clean the outer edge of the drive sheave so the empty car speed could be measured. After only a short run in the down direction (the first run on automatic) to measure the car speeds, an acrid smell emanated from the drive machine brake. The outer surfaces of the brake were warm to the touch as well and was measured with an infrared non-touch thermometer and found to be 130 degrees F. The car was then run in the up direction. The speeds were found to be 194 fpm (feet per minute) in both the up and down directions. The examinations were stopped for lunch at 11:32 AM with the intent to reassemble the group to discuss what to do next.

After the lunch break some discussion ensued. It was agreed to run the car and see if anything out of the ordinary could be noted or discovered. That actual process started at 3 PM. The smell and brake heat was noted right away. The temperature of the brake was measured with an infrared non-touch thermometer and continued to rise as the car was operated at full speed. The measured temperature rose as high as 500 degrees F. There was a strange clicking noise heard when running in the up direction that sounded like a bearing noise and which is believed to come from the inboard pillow block bearing. The car was noted to occasionally run past the floor in the down direction and re-level back up to the floor. At one point the car appeared to stop at a landing after being run in the down direction and immediately began to move upwards of its own accord without a signal to run. This was a matter of grave concern. It was decided to run the car up afterwards and turn off the mainline disconnecting means and observe the results. The car appeared to slide for an excessive distance when this was done. The car was then brought to the topmost landing and the examination was stopped at 3:36 PM.

January 20, 2012

The group, including plaintiff's attorney and experts assembled at the site. Those in attendance included Lawrence Taylor-TDLR, David Gonzales-TDLR, Robin Sanders-TX AG, Bill Brendel-Owner, Jim Watson-Owner Attorney, Brad Bingham-Otis Attorney, Zack McCain-Owner Consultant, John Donnelly-Otis Consultant, Jim Hada-Plaintiff Attorney, Sheila Sweat-Plaintiff Consultant, and Daniel Sweat-Plaintiff Consultant.

This was the first site visit by plaintiff's attorney and experts. A meeting was held to discuss what had taken place thus far and questions answered. Afterwards a tour of the machine room was conducted and plans were developed for a more extensive examination of the equipment on February 6, 2012 when an attempt will be made to show plaintiff's representatives some of the malfunctions noted previously. It was decided that the protocol for what would take place at the February 6, 2012 meeting would be developed prior to the next meeting in order to shorten the amount of site time taken in doing so.

February 6, 2012

The group assembled at the site. Those in attendance included Lawrence Taylor-TDLR, David Gonzales-TDLR, Bill Brendel-Owner, Jim Watson-Owner Attorney, Brad Bingham-Otis Attorney, Zack McCain-Owner Consultant, John Donnelly-Otis Consultant, Jim Hada-Plaintiff Attorney, Sheila Sweat-Plaintiff Consultant, Daniel Sweat-Plaintiff Consultant, Greg Wynn-OSHA, Mike Healy-Owner, Mack Semmler-Otis, Michael Jozwiak-Otis, Henry Mora-Owner, Randy Bailey-Otis, and Guy Javin-Otis.

The group met and briefly discussed the red jumper and the potential of obtaining finger prints. It was decided that was not practical and it was agreed that I would remove the jumper and place it in a paper bag and take possession of it and make it available to those who might want to examine it further.

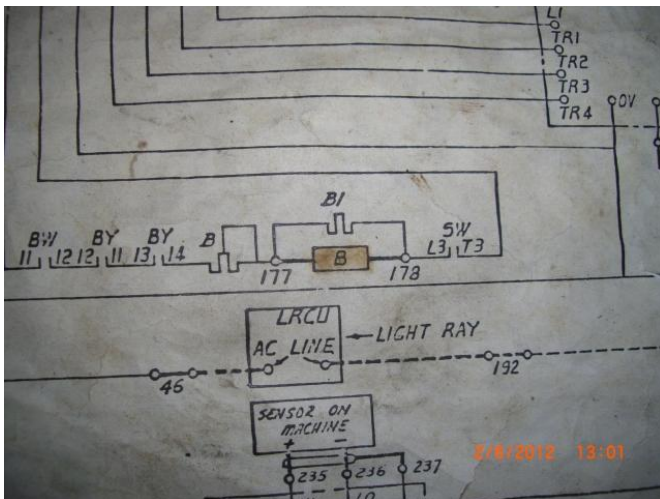
We then proceeded to the machine room where we ran the elevator and checked the operating speeds which were found to be 195 fpm down and 192 fpm up. It was observed that a strange ticking noise seemed to emanate from the in-board pillow block bearing assembly when operated in the up direction. The operation of the drive machine brake was observed and its temperature at the beginning of the observation was 65 degrees F. As the car was operated in both directions the brake temperature rose steadily. At 430 degrees F the car began to re-level back up after a run down. After several more runs in both directions the car would not stay at the floor and would drift upwards. The maximum temperature of the brake during this observation was 515 degrees F. The car was stopped by opening the main line disconnect while running in the up direction at full speed and it appeared to slide excessively before eventually stopping.

At this point running of the car stopped and the brake gap was measured. It was discovered to be 0.109 inch. Thereafter the maintenance contractor attempted to adjust the brake gap to the tolerance

of 0.008 inch to 0.010 inch. I noted that none of the maintenance people seemed to know exactly how to do this nor did they use their own written instructions which were available since I had obtained these as part of the investigation. They were however successful in adjusting the gap to the 0.010 inch dimension. Prior to this point there was no visible movement of the brake. Afterwards there was a clearly visible movement of the brake when voltage was applied to the coil.

At this point the voltage across the brake coil was measured and found to be 108 VDC. After removing the jumper that bypassed the series brake resistor "B" the voltage was found to be 104 VDC. As previously noted the brake parallel resistor "B1" was bypassed by having had its top wire relocated to the bottom terminal effectively removing it from the circuit. A photo of that circuit is below. The red jumper was on series resistor "B" and the wire on the 177 side of parallel resistor "B1" was moved to electrically be located on the 178 terminal side of that resistor. The effects of these actions were to:

1. Remove series resistor B from the circuit thus increasing the voltage across the brake coil B
2. Eliminate the effect of parallel resistor B1 in dissipating the current created by the collapse of the magnetic field across the inductor (brake coil) when the applied voltage is removed



The operation of the drive machine brake as observed prior to this point indicated there was no visible movement of the brake when voltage is applied, and that, in and of itself, is out of the ordinary. If I understand the laws of magnetic attraction correctly, the force applied to the moveable portion is inversely proportional to the square of the distance between the electro-magnet (the brake coil) and the moveable portion (the armature). In other words the further away the two items are from each other the resulting attractive force is lowered based on the square of that distance. If the force

developed at 1 in is X, then the force at 2 in would be $\frac{1}{4}$ of X. After the adjustment of the brake to within the manufacturer's specifications, the brake physically appeared to operate correctly. That indicates to me that the real problem was with the adjustment of the brake itself and not the circuitry and that the jumper on the B resistor and movement of the wire on the B1 resistor accomplished nothing.

Thus, one must surmise that someone in the maintenance contractor's employ (the maintenance contractor was also the manufacturer) at some point realized there was something wrong with the operation of the brake. In an attempt to overcome this, the jumper was placed on resistor B to try to increase the brake coil applied voltage and for whatever reason eliminate the effects of resistor B1. There is no other explanation for these things to have occurred and no one but the maintenance contractor would have had the access to the equipment or the expertise to take these actions.

We then operated the car at full speed in both directions. As a result, the issue with over-heating of the brake completely went away. The car was operated multiple times and the temperature of the brake did not rise above 70 degrees F.

At 1:28 PM the maintenance contractor began to replace the old brake (the one that had just been successfully adjusted) with a completely new assembly. Again, the workers did so without the benefit of the replacement instructions which are known to exist. There was trouble getting the coupling to fit and it was discovered that the keyway was approximately 0.012 inch too shallow. As a result all parties agreed to allow the reuse of the old coupling, which fit just fine. The brake gap was set at 0.010 inch. This work was completed at 3:55 PM and the car was then operated three times from 7 to 4 and back. Everything appeared to work properly and the brake temperature never rose above 66 degrees F. The unit was then turned off and locked out until our return planned for February 27, 2012. I took possession of the old brake at 4:10 PM.

February 27, 2012

The group assembled at the site. Those in attendance included Lawrence Taylor-TDLR, Bill Brendel-Owner, Dan Dick-Owner, Zack McCain-Owner Consultant, Jim Watson-Owner Attorney, Brad Bingham-Otis Attorney, John Donnelly-Otis Consultant, Jim Hada-Plaintiff Attorney, Sheila Sweat-Plaintiff Consultant, Daniel Sweat-Plaintiff Consultant, Mike Healy-Owner, Mack Semmler-Otis,

Lawrence Deloach-Otis, Henry Mora-Owner, and Randy Bailey-Otis. Michael Jozwiak from Otis was there briefly 1st thing, but was sick and left early on.

At 7:49 AM the maintenance contractor's crew began shuttling weights up to the 7th floor on the passenger elevators and down to the basement on the service elevator where the accident occurred. This went on until approximately 8:10 AM. At approximately 8:15 AM, 4,400 lbs of weight was placed on the service elevator at the basement level and Randy Bailey entered the car and jumped up and down inside to see if the brake would hold the car stationary. It did so successfully. Then Randy, Mark and I went into the machine room where we planned to raise the car up (if it would lift the 125% of rated load, which it is not required to do) at inspection speed to the approximate level of the kitchen and then run it at full speed to the basement level to see if the brake and traction would safely lower and hold the car. The ropes slipped on the drive sheave somewhat but the test was satisfactory. However, while trying to get the doors to open we caused the car to settle onto the springs inadvertently. In order to insure the test was valid, we again raised the car up at inspection speed and ran the test again. This time, we had the doors manually opened at the basement level to determine the position of the car in relationship to the basement floor sill. The car was said to be 4 ½ in below the floor. Again, the test of the brake and traction was successful.

We then proceeded to test the governor tripping speed. The first readings were 250 fpm for the switch and 300 for the jaws. The maximum jaw tripping speed cannot exceed 280 fpm and the maximum switch tripping speed is 252 fpm. The jaw tripping speed adjustment was adjusted and re-tested and found to be at 280 fpm. The switch tripping speed was re-tested and found to still be 250 fpm, which placed both within the acceptable parameters. The switch was also tested in the up direction and found to also trip at 250 fpm.

At approximately 10:45 PM, I, Zack McCain, Sheila Sweat, Daniel Sweat and John Donnelly got on the car top for the purposes of checking the hoistway doors and the hoistway equipment. We started at the 7th (top) floor and worked our way down the hoistway. Each door was checked to see if it could be forcefully opened and they could not. Each door was checked to insure it was self closing from any position and they were. Each dust cover was removed and the interlock cover removed so the interlock could be visually examined. Additionally each eccentric and bottom door guide was checked. At various points along the travel of the car, the car door restrictor was checked and at no time were we able to open the car doors when the car was away from a landing. The rail brackets

and counterweight were checked as well. The following observations were made as a result of the car top inspection of the doors and hoistway:

1. The car top was dirty and had oil thereupon as well as used parts. (ASME A17.1-2007-8.6.4.9)
2. There are several flexible metal conduits that are broken and the conductors exposed.
3. The grease coating the ropes makes an adequate inspection of the ropes difficult if not impossible. (ASME A17.1-2007-8.6.4.1.1 and 8.6.4.1.2)
4. The interlock at the 7th floor is missing its cover.
5. The door clutch rollers at every landing show considerable wear and lack of maintenance, with the 7th, 1st and 2nd probably being the worst. [ASME A17.1-2007-8.6.4.13.1(i)]
6. The conductors going to the interlocks do not appear to be type SF, though I do not have a copy of the 1981 or 1978 electrical codes to verify if that was a requirement at that time.
7. The counterweight guide on the left hand side as looking into the hoistway from the entrance barely engages the pipe counterweight guide rail and appears as if it could disengage the rail.
8. The car platform guide has a straight vertical face of only 15 inches, and it is required to be not less than 21 in. [ASME A17.3-2002-3.3.2(b)]

COMMENTS

Everyone involved in the investigative process was cooperative throughout the entire course of this investigation. When representative organizations and individuals were asked to perform tests or attempt to simulate situations, they accommodated us as necessary. All parties worked together well throughout the investigation and seemed interested in uncovering the facts without any bias toward a specific outcome.

Based on owner and maintenance company statements, it has been determined that an inspection of the equipment was scheduled for December 6, 2011, but the maintenance contractor cancelled the inspection, which was due not later than December 14, 2011. If the conditions that led to this tragedy existed on the day the inspection was scheduled, and the inspection had taken place, the troubles with the brake could have been discovered, corrective action taken, and this tragedy prevented.

A review of the maintenance agreement between the owner and the maintenance contractor indicates that the equipment is supposed to be maintained and that the contract "is a full preventive maintenance service intended to protect your investment, extend equipment life and provide a high

level of performance and reliability”. The condition of the equipment as observed during the site visits indicates this did not take place. It cannot be quantified that these noted conditions are compliant with the maintenance agreement or the standards adopted in Chapter 74 Section 74.100, ASME A17.1-2007 Section 8.6.

The contract also contains a “Quality Control” clause that specifies that the maintenance contractor “will periodically conduct field audits of our personnel and the units to maintain quality standards”. The condition of the equipment as observed during the site visits indicates that the periodic field audits of personnel and the units to maintain quality standards did not take place at a frequency sufficient to accomplish that stated goal.

A preponderance of the evidence indicates that someone (who exactly, is unknown) knew that something was wrong with the drive machine brake as evidenced by the jumper seen upon the brake resistor. The placement of that jumper took an intentional and deliberate act and would only have been undertaken in response to some noted abnormality by someone with unique knowledge of the elevator equipment controls. How long the jumper was in place prior to the incident and the investigation cannot be determined. The installation of the jumper is a violation of both the elevator code and the posted instructions pasted onto the elevator controller swing panel by the maintenance contractor. See below:



In this case, the use of jumpers indicates a failed attempt to treat the symptoms of brake trouble when the disease was the fact that the brake itself was not installed, adjusted and maintained as prescribed by the manufacturer. It was found that the manufacturer's brake replacement and adjustment instructions were not readily available for their employees to use. Even when installing new replacement brakes, they had no instructions and were deliberating amongst themselves how to go about properly adjusting the brake. The undeniable fact is that the old brake was capable of being adjusted properly and appeared to function correctly after being properly adjusted.

There was a used brake found lying on the floor of the machine room. If and when the brake was replaced is unknown - we have yet to see any records to indicate the brake was replaced. The lack of maintenance records and access to a maintenance control program is troubling. It appears that whoever replaced the brake did it incorrectly and they also failed to adjust the brake in accordance with the manufacturer's procedures.

Someone with special knowledge of the elevator control system knew that there was a problem with the brake and intentionally installed a jumper and moved wires in an attempt to overcome the problem(s). However, no one actually did anything meaningful or effective to uncover the real problem(s) and embark on a course of action that would have solved the problem and prevented this tragic event.

Additionally, the indications are that the maintenance contractor (who is also the original equipment manufacturer) failed to follow their own brake maintenance and adjustment procedures and policies. This failure and the overall poor quality of the maintenance as evidenced by the condition of the equipment (defective deflector sheave bearings, oil on machine room floor and car top, unsecured car top exit panel, jumpers in machine room, broken conduit, worn clutch rollers, and so forth) was a significant contributing factor in this tragic matter.

CONCLUSIONS

It is the Department's conclusion that the issues with the brake would have been discovered by the annual inspection if those issues existed on the date the inspection was originally scheduled. Statements have been made by representatives of the owner that the inspection was scheduled with the inspector but cancelled by the elevator contractor. It is the lawful responsibility of the owner to insure the inspection is performed, but in this instance, the owner deferred to the maintenance

contractor on the scheduling and execution of the required inspections. The statements of the owner indicate the maintenance contractor erroneously advised the owner regarding the necessity of timely inspections - this too was a significant contributing factor in this tragic matter. Relying upon the advice from the elevator contractor does not absolve the owner from their responsibility to fulfill their duties under the Act and the Rules.

The Department's investigation did not uncover any evidence that Ms. Rodriguez attempted to extricate herself from the inside of the elevator car. The door restrictor was checked multiple times and was found to be in working order and functioned properly. Unless the door restrictor was tampered with and made to work properly before the Department's arrival at the job site to begin the investigation, Ms. Rodriguez would not have been able to exit the car when it was between floors and fall down the hoistway.

The car was found by the Department on December 29 and 30, 2011, to be above the top floor, the governor switch tripped and the rope brake activated. The motor coupling was broken and most likely broken as a result of the shock of the car counterweight striking the counterweight buffer in the pit. Since that was the case, it is concluded that Ms. Rodriguez must have entered the hoistway below the top landing.

The results of the Department's investigation indicate that the most likely cause of this incident was the uncontrolled movement of the car away from the landing, due to an improperly installed and maintained drive machine brake, after the car and hoistway doors were opened. The most likely scenario is that Ms. Rodriguez placed a down hall call at the 6th floor and waited for the car to arrive. When the car arrived, it slowed down electrically and power opened the doors and subsequently moved away from the floor (in the up direction) in an uncontrolled manner due to the brake not holding the car, leaving the doors open and hoistway opening unprotected. Somehow, even as the hoistway door was attempting to self close due to the absence of the car at the landing, Ms. Rodriguez entered the unprotected opening and fell down the hoistway to her death.

It is the position of the Department that this tragedy was preventable and was a direct result of the failure to have the elevator inspected as required and inadequate maintenance and supervision of employees by the maintenance contractor, including the lack of technical resources necessary to maintain the equipment to the manufacturer's specifications.

The Department's investigation (see also pages 4-5-7-14-15 of the report) indicates that the owner:

1. Failed to have the equipment inspected on or before the expiration date of the Certificate of Compliance [754.019(a)(1)] and [74.70(b)]
2. Failed to obtain an inspection report evidencing that the equipment was inspected in accordance with Chapter 754 and 74 [754.019(a)(2)]
3. Failed to have all maintenance, inspection and maintenance control programs available in the building. [74.70(c)]
4. Failed to have all the required tests performed. [74.70(e)]

The Department's investigation (see also pages 4-5-7-14-15 of the report) indicates that the registered elevator inspector:

1. Failed for multiple years to verify the existence of the evacuation plan and monthly fire service test [74.60(a)] and [74.60(e)(5)]
2. Failed for multiple years to note the lack of a code data plate [74.60(a)] and [74.60(e)(5)]

The Department's investigation (see also pages 4-5-7-14-15 of the report) indicates that the registered elevator contractor:

1. Failed to safely maintain the equipment by allowing a jumper to be placed on the controller [74.60(a)] and [74.60(e)(1)]
2. Failed to safely maintain the equipment by allowing the drive machine brake to be installed and adjusted improperly [74.60(a)] and [74.60(e)(1)]
3. Failed to safely maintain the equipment by allowing their employees to store a jumper in the elevator machine room [74.60(a)] and [74.60(e)(1)]
4. Failed to safely maintain the equipment by allowing fuseholder #4 to have the incorrect amperage fuse installed [74.60(a)] and [74.60(e)(5)]
5. Failed to maintain the equipment by allowing the deflector sheave bearing to become defective without a timely repair/replacement [74.60(a)] and [74.60(e)(5)]
6. Failed to safely maintain the equipment by allowing the over-lubrication of the suspension ropes [74.60(a)] and [74.60(e)(5)]

7. Failed to safely maintain the equipment by allowing the car top exit panel to be left unsecured and openable from inside the car [74.60(a)] and [74.60(e)(5)]
8. Failed to maintain the equipment by allowing oil and grease to accumulate on the machine room floor [74.60(a)] and [74.60(e)(5)]
9. Failed to safely maintain the equipment by allowing flexible metal conduit to become electrically and mechanically non-continuous at the drive machine brake and several locations on the car top [74.60(a)] and [74.60(e)(5)]
10. Failed to maintain the equipment by allowing oil to accumulate on the car top [74.60(a)] and [74.60(e)(5)]
11. Failed to maintain the equipment by storing used parts on the car top [74.60(a)] and [74.60(e)(5)]
12. Failed to maintain the equipment by using wood pieces to serve as car steadying brackets [74.60(a)] and [74.60(e)(5)]
13. Failed to maintain the equipment by allowing the hoistway door release rollers to wear excessively without a timely replacement [74.60(a)] and [74.60(e)(5)]
14. Failed to safely maintain the equipment by replacing the drive machine brake without verifying the holding capacity of the brake [74.60(a)] and [74.60(e)(5)]

ATTACHMENTS

#1: Photographs

#2: Inspection Reports

#3: Chapter 754, the Act

#4: Chapter 74, the Rules

ATTACHMENT #1- PHOTOGRAPHS



Crockett Hotel-010070
Housekeeping Closet on 6th floor



Crockett Hotel-010070
Housekeepers cart in 6th floor closet

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Basement level view



Crockett Hotel-010070
Basement level hoistway door

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Example of closing off hoistway door



Crockett Hotel-010070

Used door clutch on 7th floor adjacent to elevator

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Used car door clutch found on 7th floor next to elevator



Crockett Hotel-010070

Bottom and taper tap found on 7th floor next to elevator

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Door parts and shims found on 7th floor next to elevator



Crockett Hotel-010070

Unknown plastic bushing found on 7thn floor next to elevator

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Piece of old door clutch link found on 7th floor next to elevator



Crockett Hotel-010070

New car door clutch

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

View of car door restrictor rod and bracket



Crockett Hotel-010070

View of car door restrictor and bracket

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Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Ladder found stored in elevator car



Crockett Hotel-010070

Ceiling and piece of frame found on car floor
assumed to have fallen due to counterweight
impact

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Intact ceiling panel below the car exit panel



Crockett Hotel-010070

Ladder stored inside elevator car

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Empty car as preparations are made for brake and traction test



Crockett Hotel-010070

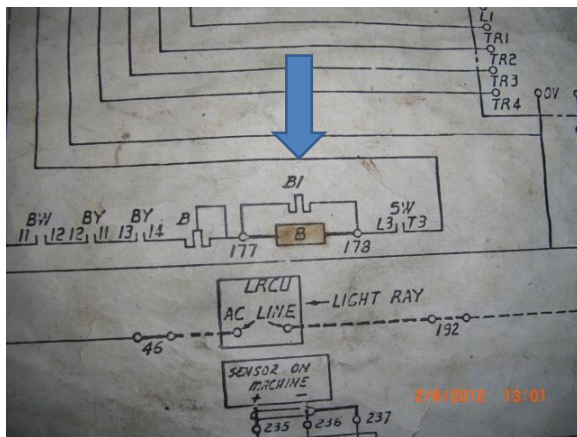
Weight in car as preparations are made for brake and traction tests

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Tools and equipment for tests



Crockett Hotel-010070

Resistors B is jumped out on the controller with wire jumper and B1 has been bypassed by moving wire 177 to 178

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Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Sign installed on swing panel in controller



Crockett Hotel-010070

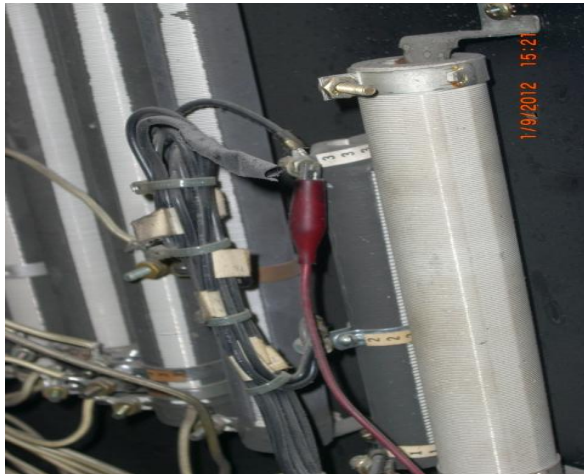
Jumper left in controller on resistor and resistor bypassed

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

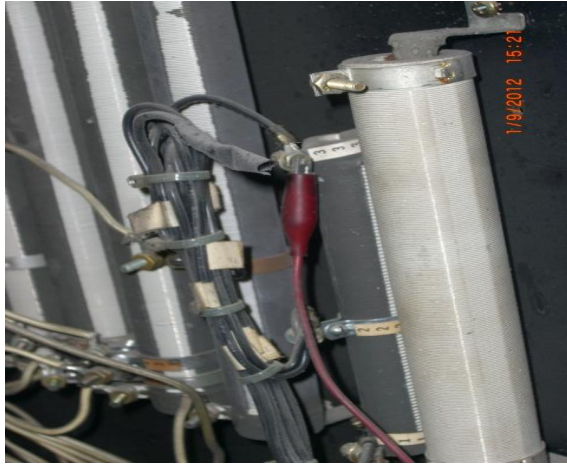
Jumper left on controller on resistor and resistor
bypassed



Crockett Hotel-010070

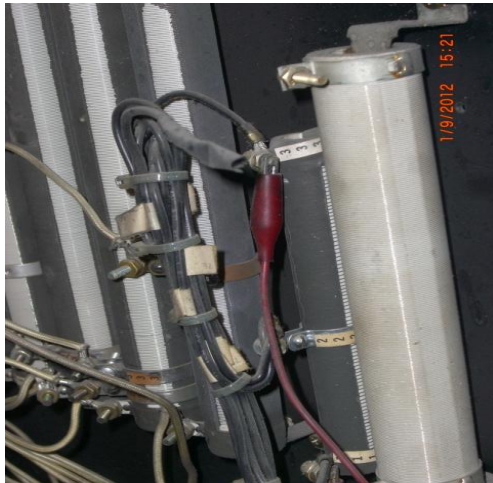
Jumper left on resistor in controller and resistor
bypassed

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

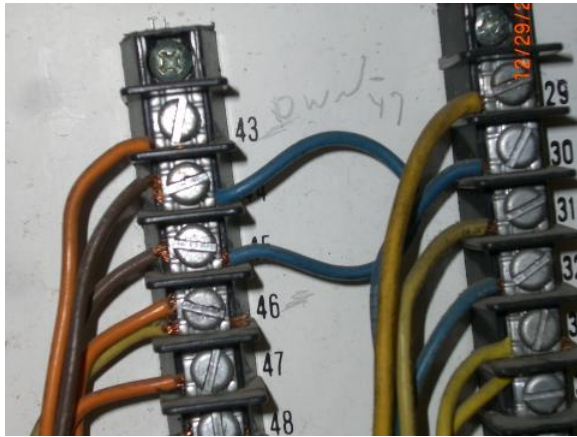
Jumper left on resistor in controller and resistor
bypassed



Crockett Hotel-010070

Jumper left on resistor in controller and resistor
bypassed

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Jumper for what purpose



Crockett Hotel-010070
Temporary jumper left laying in bottom of
controller

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Controller Data Tag



Crockett Hotel-010070
Controller Data Tag

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205

First in Service
OTIS
OTIS MAINTENANCE MANAGEMENT SYSTEM
MACHINE ROOM RECORD

Building _____
Address _____
Machine No. s _____ Contract No. _____
NAME OF:
BUILDING MANAGER _____
CHIEF ENGINEER _____
LOCATION OF:
BUILDING 110 V DISCONNECT _____
BUILDING POWER DISCONNECT _____

ON EVERY INSPECTION 1/31/2012 11:03

1. SEE CUSTOMER OR THEIR REPRESENTATIVE FOR LOCATION AND LEVELING

Crockett Hotel-010070
Blank maintenance records in machine room and no information on locating the maintenance control program

| | Loop Circuit MEG Reading | MG Motor MEG Reading | MG Armature/Rotor Clearance | Drive Motor - Armature/Rotor Clearance | Pit to Counterweight | Rectifier/ Exciter Voltage | Line Voltage |
|--------|--------------------------------|----------------------------|-----------------------------------|--|-------------------------|----------------------------------|----------------|
| YEAR 1 | Date | ____/____/____ | ____/____/____ | ____/____/____ | ____/____/____ | ____/____/____ | ____/____/____ |
| | Reading | ____ | ____ | ____ | ____ | ____ | ____ |
| | Initials | ____ | ____ | ____ | ____ | ____ | ____ |
| YEAR 2 | Date | ____/____/____ | ____/____/____ | ____/____/____ | ____/____/____ | ____/____/____ | ____/____/____ |
| | Reading | ____ | ____ | ____ | ____ | ____ | ____ |
| | Initials | ____ | ____ | ____ | ____ | ____ | ____ |
| YEAR 3 | Date | ____/____/____ | ____/____/____ | ____/____/____ | ____/____/____ | ____/____/____ | ____/____/____ |
| | Reading | ____ | ____ | ____ | ____ | ____ | ____ |
| | Initials | ____ | ____ | ____ | ____ | ____ | ____ |
| YEAR 4 | Date | ____/____/____ | ____/____/____ | ____/____/____ | ____/____/____ | ____/____/____ | ____/____/____ |
| | Reading | ____ | ____ | ____ | ____ | ____ | ____ |
| | Initials | ____ | ____ | ____ | ____ | ____ | ____ |
| YEAR 5 | Date | ____/____/____ | ____/____/____ | ____/____/____ | ____/____/____ | ____/____/____ | ____/____/____ |
| | Reading | ____ | ____ | ____ | ____ | ____ | ____ |
| | Initials | ____ | ____ | ____ | ____ | ____ | ____ |

UNIT RECORD LOG (Traction) 1/31/2012 11:03

Crockett Hotel-010070
Completely blank maintenance records in the machine room

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205

UNIT RECORD LOG (Traction)

| | | Loop Circuit MEG Reading | MG Motor MEG Reading | MG Armature/Rotor Clearance | Drive Motor Armature/Rotor Clearance | Pt to Counterweight | Rectifier/ Exciter Voltage | Line Voltage |
|--------|----------|--------------------------------|----------------------------|-----------------------------------|--|------------------------|----------------------------------|--------------|
| YEAR 1 | Date | | | | | | | |
| | Reading | | | | | | | |
| | Initials | | | | | | | |
| YEAR 2 | Date | | | | | | | |
| | Reading | | | | | | | |
| | Initials | | | | | | | |
| YEAR 3 | Date | | | | | | | |
| | Reading | | | | | | | |
| | Initials | | | | | | | |
| YEAR 4 | Date | | | | | | | |
| | Reading | | | | | | | |
| | Initials | | | | | | | |
| YEAR 5 | Date | | | | | | | |
| | Reading | | | | | | | |
| | Initials | | | | | | | |

Machine No. _____ Car No. _____

Released 11/25/2012 11:04

Crockett Hotel-010070
Completely blank maintenance records in the machine room

UNIT RECORD LOG (Traction)

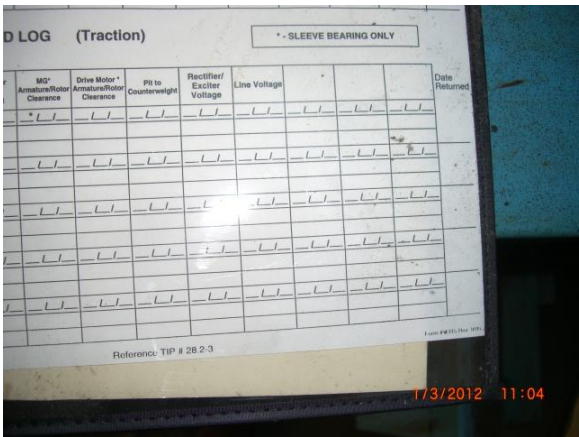
| | | Loop Circuit MEG Reading | MG Motor MEG Reading | MG Armature/Rotor Clearance | Drive Motor Armature/Rotor Clearance | Pt to Counterweight | Rectifier/ Exciter Voltage | Line Voltage |
|--------|----------|--------------------------------|----------------------------|-----------------------------------|--|------------------------|----------------------------------|--------------|
| YEAR 1 | Date | | | | | | | |
| | Reading | | | | | | | |
| | Initials | | | | | | | |
| YEAR 2 | Date | | | | | | | |
| | Reading | | | | | | | |
| | Initials | | | | | | | |
| YEAR 3 | Date | | | | | | | |
| | Reading | | | | | | | |
| | Initials | | | | | | | |
| YEAR 4 | Date | | | | | | | |
| | Reading | | | | | | | |
| | Initials | | | | | | | |
| YEAR 5 | Date | | | | | | | |
| | Reading | | | | | | | |
| | Initials | | | | | | | |

Machine No. _____ Car No. _____

Released 11/25/2012 11:04

Crockett Hotel-010070
Completely blank maintenance records in the machine room

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Completely blank maintenance records



Crockett Hotel-010070
Gear Box Data Tag

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Exposed conductors going to the drive motor
tachometer device



Crockett Hotel-010070

Drive sheave and ropes showing excessive
lubrication

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Oil and debris on machine room floor



Crockett Hotel-010070

Oil on machine room floor

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Suspension ropes with excessive grease and visible rouging



Crockett Hotel-010070

Suspension ropes with excessive lubrication

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Suspension ropes with excessive lubrication



Crockett Hotel-010070

Suspension ropes showing excessive lubrication
and signs of rouging

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Suspension ropes covered with grease



Crockett Hotel-010070

Suspension ropes showing signs of rouging

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
New deflector sheave bearings



Crockett Hotel-010070
Inboard drive sheave bearing showing excessive
lubrication

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Inboard drive machine bearing showing signs of excessive lubrication



Crockett Hotel-010070

Tripped rope brake

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Tripped rope brake



Crockett Hotel-010070
Rope brake not tripped

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Rope brake coil

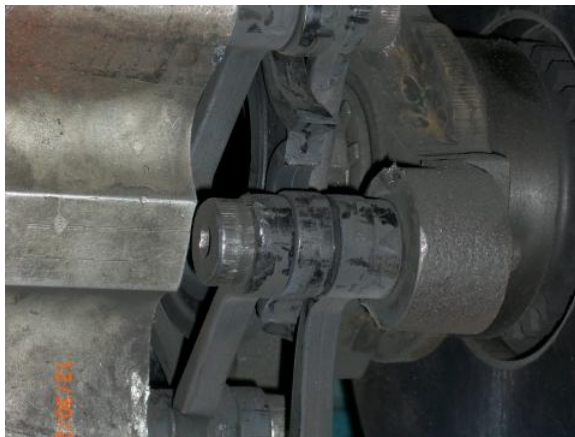


Crockett Hotel-010070
Rope brake not tripped

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205

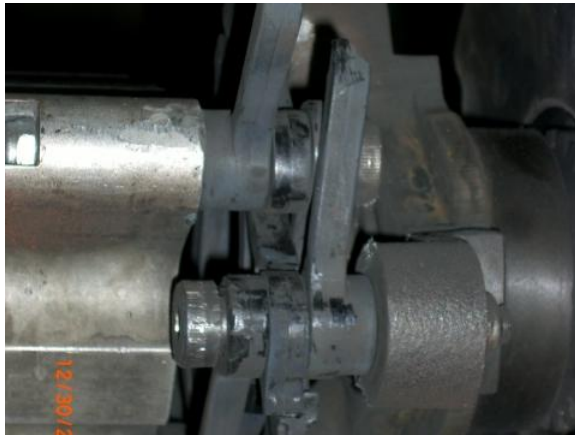


Crockett Hotel-010070
Rope brake not tripped



Crockett Hotel-010070
Broken coupling disks

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205

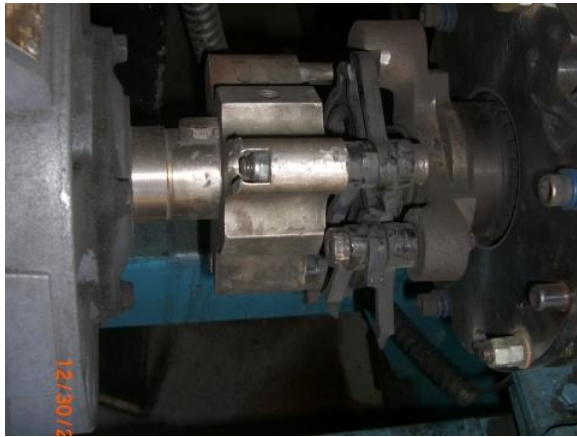


Crockett Hotel-010070
Broken coupling disks

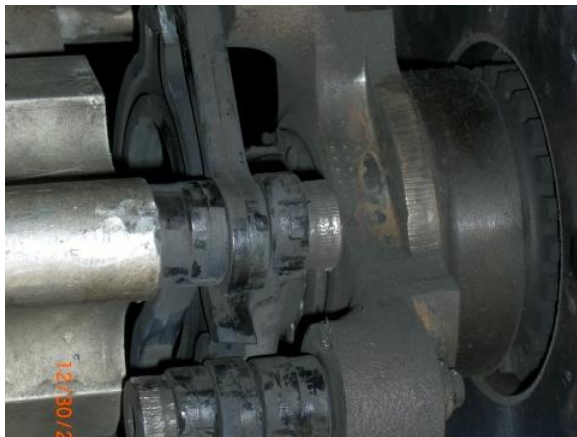


Crockett Hotel-010070
Broken coupling disks

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Broken coupling disks

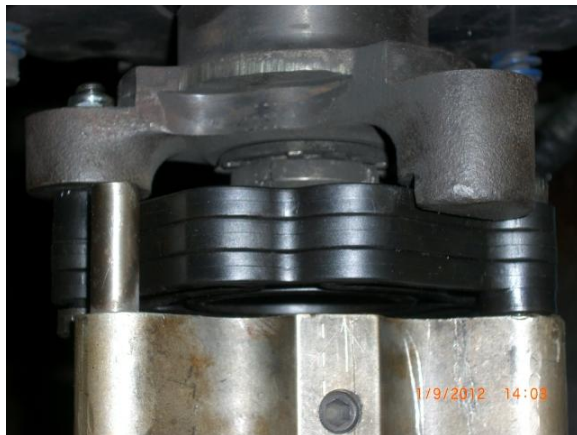


Crockett Hotel-010070
Broken coupling disks

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205

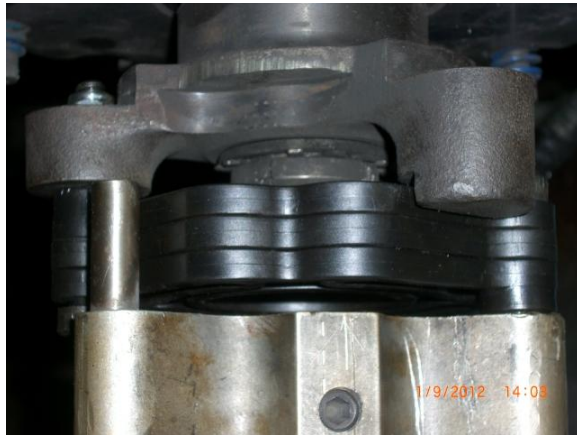


Crockett Hotel-010070
Newly installed coupling disks



Crockett Hotel-010070
Newly installed coupling disks

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Newly installed coupling disks



Crockett Hotel-010070
Newly installed coupling disks

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Old drive machine brake



Crockett Hotel-010070
Previously replaced drive machine brake laying on
the machine room floor

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Old drive machine brake and exposed conductors



Crockett Hotel-010070

Old drive machine brake and exposed conductors

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Conduit pulled loose from old brake exposing
conductors



Crockett Hotel-010070

Old drive machine brake

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Old drive machine brake with new motor coupling disks



Crockett Hotel-010070

Drive machine input shaft with motor coupling and brake removed

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Drive machine input shaft with motor coupling and
brake removed



Crockett Hotel-010070

New drive machine brake

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
New drive machine brake



Crockett Hotel-010070
New drive machine brake

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
New coupling disks



Crockett Hotel-010070
Motor and machine with new coupling disks

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Motor and machine couplings without coupling disks



Crockett Hotel-010070

New coupling disks being installed

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
New coupling disks being installed



Crockett Hotel-010070
Parts tag from coupling disks

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Used drive machine brake found on the machine room floor



Crockett Hotel-010070

Piece of old coupling disk on the floor of machine room

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Removal of coupling disks underway



Crockett Hotel-010070

Removal of broken coupling disks underway

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Defective deflector sheave bearings



Crockett Hotel-010070
Defective deflector sheave bearing

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Deflector sheave with new bearings



Crockett Hotel-010070
Deflector sheave with new bearings

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Deflector sheave under repair



Crockett Hotel-010070
Defective deflector sheave bearing

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Defective deflector sheave bearings



Crockett Hotel-010070
Defective deflector sheave bearings

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Deflector sheave being removed from machine room



Crockett Hotel-010070

Outer race of deflector sheave bearing broken

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Broken section of deflector sheave bearing



Crockett Hotel-010070

Defective deflector sheave bearing

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Defective deflector sheave bearing



Crockett Hotel-010070
Defective deflector sheave bearing

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Defective deflector sheave bearing



Crockett Hotel-010070
Defective deflector sheave bearing

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Old deflector sheave bearing



Crockett Hotel-010070
Deflector sheave shaft with one bearing removed

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Deflector sheave shaft without bearings

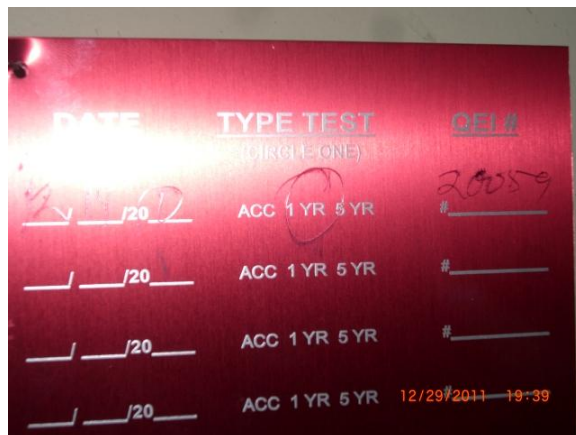


Crockett Hotel-010070
Defective deflector sheave bearing

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205

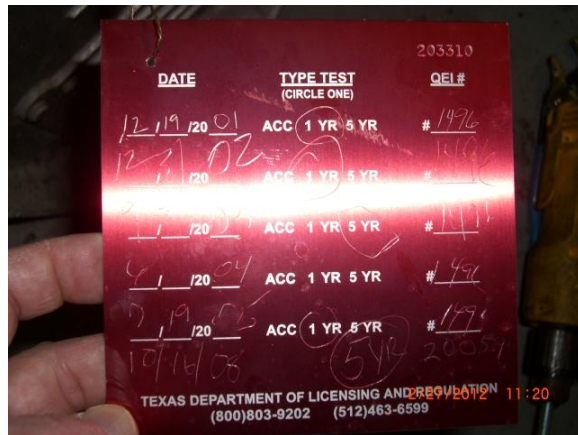


Crockett Hotel-010070
Deflector sheave ready for repairs



Crockett Hotel-010070
Inspector's Tag

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Inspector's tag



Crockett Hotel-010070

Over speed governor tag

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Governor without cover showing dust and lint



Crockett Hotel-010070

Governor switch tripped in up direction

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Governor seal dust and lint

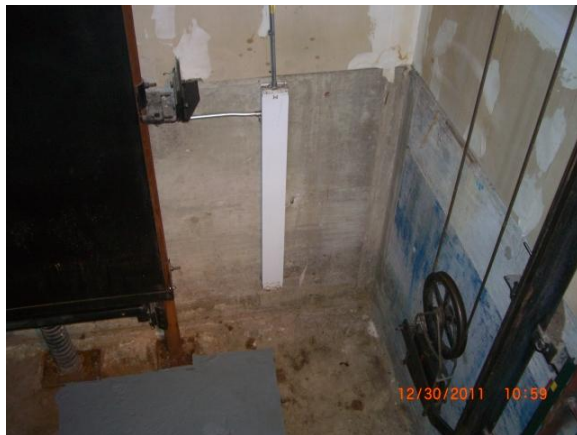


Crockett Hotel-010070
Pit stop switch in off position

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Pit area sealed after hazmat cleanup



Crockett Hotel-010070
Pit lighting inoperative

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Counterweight rail bracket



Crockett Hotel-010070
Counterweight rail bracket

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Counterweight resting on counterweight spring
buffer



Crockett Hotel-010070

Car buffer

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Counterweight resting on its buffer



Crockett Hotel-010070
View of pit area

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Dusty car top



Crockett Hotel-010070

Latch on the car top exit panel left un-latched

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Wood substituted for car steady bracket



Crockett Hotel-010070

Dusty car top and car top exit panel latch left unlatched

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Dusty car top



Crockett Hotel-010070

Loose flexible metal conduit fitting with exposed
conductors

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Oil and used parts on the car top



Crockett Hotel-010070

Spring of unknown origin left on the car top

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Dusty car crosshead and roller guide



Crockett Hotel-010070

Oil and used parts left on the car top. Also the outer covering of the yellow wire is damaged outside the photo area

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

This is what the car steadying bracket should look like with a spring left on the car top



Crockett Hotel-010070

Dusty car top and steadying bracket

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Traveling cable run under the open wiring duct cover



Crockett Hotel-010070

Traveling cable being supported by the sprinkler piping

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Traveling cable being supported by the sprinkler piping



Crockett Hotel-010070

Dirty car top electrical box

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Elevator car top as seen from 7th floor doors



Crockett Hotel-010070

Frayed light cord found on car top

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Oil and cord on car top



Crockett Hotel-010070

Broken flexible metal conduit on car top

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Counterweight guide nearly off the rail



Crockett Hotel-010070

Proper engagement of the other counterweight
guide

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
7th floor door lock missing its cover



Crockett Hotel-010070
Wiring is not Type SF but as far as I can tell type SF
was not required at the time of installation

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Example of worn door clutch rollers



Crockett Hotel-010070

Functional car door restrictor

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Car door restrictor clutch that works



Crockett Hotel-010070

Car door restrictor clutch unlocking actuator arm

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Car door restrictor clutch upper link rod



Crockett Hotel-010070

Conduit pulled loose and conductors exposed on
the car top

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Smudge on fascia in hoistway



Crockett Hotel-010070

Counterweight guide nearly off the rail

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070
Counterweight guide nearly off the rail



Crockett Hotel-010070
Oil and spare parts on the car top

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Conduit pulled loose and conductors exposed on
car top

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



Crockett Hotel-010070

Ladder found stored in elevator car



Crockett Hotel-010070

Ladder found stored in elevator car

ATTACHMENT #2- INSPECTION REPORTS

ELBI 3325 - Decal 010070
Crockett Hotel,
320 Bonham Street
San Antonio, Texas 78205



TEXAS DEPARTMENT OF LICENSING AND REGULATION

COMPLIANCE DIVISION—Elevator Program

P.O. Box 12157 - Austin, Texas 78711-2157 - (512) 463-6599 - (800) 803-9202 - Fax (512) 475-4870

Email: elevators.escalators@license.state.tx.us - Web site: www.license.state.tx.us

AUGUST 03 2009

HECTOR VENEGAS
CROCKETT HOTEL
204 ALAMO PLAZA
SAN ANTONIO TX 78205

Building Location
320 BONHAM
SAN ANTONIO TX 78205-2083

RE: CROCKETT HOTEL
ELBI: 3325
Decal: 10070

We have received your request for a waiver/delay on correcting the a violation on your current elevator safety inspection. The material submitted with this request has been reviewed.

A delay was requested until 09/01/2011 for:

Code Rule:
A17.3 3.11.1 - Upgrade Fire Service

You have been granted a delay until 09/01/2012.

If you have any questions, you may contact us at 1-800-803-9202 or (512) 463-6599.

Sincerely,

Administrative Technician
Compliance Division

Pursuant to Administrative Rule 74.70(n) "(n) The building owner shall have copies of all current department issued waivers and delays, posted in the machine room/machinery space in a readily accessible and visible location available to elevator personnel."



TEXAS DEPARTMENT OF LICENSING AND REGULATION
P.O. Box 12157 - Austin, Texas 78711-2157
1-800-803-9202 - (512) 463-6599 - FAX (512) 475-2871
www.license.state.tx.us - customer.service@license.state.tx.us

Page 1 of 1

Elevator Equipment Report of Inspection

PURSUANT TO CHAPTER 754, HEALTH AND SAFETY CODES, SUBCHAPTER B,
INSPECTION, CERTIFICATION, AND REGISTRATION

| | |
|-------------------|--------|
| RECEIVED | |
| TDLR MAIL ROOM 04 | |
| DEC 28 2010 | |
| RECEIPT# | AMOUNT |

| DO NOT WRITE IN THE FEE AREA IMMEDIATELY BELOW | | | |
|--|------------|-------------|------------|
| RECEIPT NUMBER | FEE AMOUNT | PMT. AMOUNT | MONEY TYPE |
| 11016241 | \$20.00 | | |

DO NOT WRITE ABOVE THIS LINE

Unit # 3 of 3

NOTE: THIS FORM MUST BE FILLED OUT COMPLETELY AND SUBMITTED WITH ATTACHMENTS IF NECESSARY. ALL INFORMATION MUST BE TYPED OR PRINTED IN INK.

| | | | |
|---|--|---|--|
| Bldg Name: Crocket Hotel | | Bldg Designation: | ELBI #: 3325 |
| Bldg Physical Location: 320 Bonham Street | | San Antonio TX 78205 | Decal #: 10070 |
| Number, Street, Suite No, Apt No | | City State ZIP | Test Data Tag in Place? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If no, inspector must affix test data tag |
| Owner Name: 1859 Historic Hotels | | Owner Phone: 210-223-4361 | Waivers or Delays Requested? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, attach waiver/delay form and fees |
| Owner Address: PO Box 59 | | Galveston TX 77553 | Repeat Violations? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Number, Street, Suite No, Apt No | | City State ZIP | Due Date for Next 5 Year Safety Test: 5/2013 |
| Bldg Contact Name (Local): Hector Venegas | | Bldg Contact Phone: 210-223-4361 | Year Installed: 81 Year Altered: N/A |
| Bldg Contact Address (Used for all correspondence): 204 Alamo Plaza | | San Antonio TX 78205 | |
| Number, Street, Suite No, Apt No | | City State ZIP | |
| Door Restrictors? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Required | | Firefighters Service? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required | |

Type of Inspection: (check all that apply) Certificate will only be issued when an Annual or New Installation inspection is performed.

☒ A - Annual ☐ B - New Installation ☐ C - Alteration ☐ D - Re-inspection ☐ E - Accident ☐ F - 5 Year Test ☐ X - Other

Type of Unit: (check one) ☒ Pass ☐ Esc. ☐ M.S. ☐ Frl. ☐ W.L. ☐ LULA ☐ Other (specify)

| | | | |
|-----------------------|--------------------|----------------------|---|
| Manufacturer: OTIS | Model Type: MRV | Serial #: 265912 | Drive Machine: (check one) <input checked="" type="checkbox"/> Electric <input type="checkbox"/> Hydraulic <input type="checkbox"/> Other (specify) |
| Speed: 200 | Capacity: 3500 | # of Car Openings: 1 | # of Floors: 8 |

| Item # | Rule | Code Year | Violations (Attach additional page(s) if necessary) | Report |
|--------|------|-----------|---|--------|
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| | | | | |

Comments: Attach additional page(s) if necessary

Signatures Are Required For Certificate Processing.

I certify this is a true report of my inspection

20059 William McPherson Jr.

TDLR INSP LIC #

Inspector Name Printed

Inspector Signature

Date Inspection Completed

12-14-2010

I certify that all violations cited by the inspector (if any) have been corrected OR are under contract to be corrected. All required documents and fees are attached.

Owner/Agent Name Printed

William P Brendel

Owner/Agent Signature

12/28/10



TEXAS DEPARTMENT OF LICENSING AND REGULATION
P.O. Box 12157 - Austin, Texas 78711-2157
1-800-803-9202 - (512) 463-6599 - FAX (512) 475-2871
www.license.state.tx.us - customer.service@license.state.tx.us

3325
Page 1 of 1

Elevator Equipment Report of Inspection

PURSUANT TO CHAPTER 754, HEALTH AND SAFETY CODES, SUBCHAPTER B,
INSPECTION, CERTIFICATION, AND REGISTRATION

| | |
|-------------------|--------|
| RECEIVED | |
| TDLR MAIL ROOM SH | |
| FEB 16 2010 | |
| RECEIPT# | AMOUNT |

| DO NOT WRITE IN THE FEE AREA IMMEDIATELY BELOW | | | |
|--|------------|-------------|------------|
| RECEIPT NUMBER | FEE AMOUNT | PMT. AMOUNT | MONEY TYPE |
| 10026570 | \$20.00 | | |

| DO NOT WRITE ABOVE THIS LINE | | | | Unit # 3 of 3 |
|---|--|---|-------|---|
| NOTE: THIS FORM MUST BE FILLED OUT COMPLETELY AND SUBMITTED WITH ATTACHMENTS IF NECESSARY. ALL INFORMATION MUST BE TYPED OR PRINTED IN INK. | | | | |
| Bldg Name: Crocket Hotel | | Bldg Designation: | | ELBI #: 3325 |
| Bldg Physical Location: 320 Bonham Street | | San Antonio TX 78205 | | Decal #: 10070 |
| Number, Street, Suite No, Apt. No | | City | State | ZIP |
| Owner Name: 1859 Historic Hotels | | Owner Phone: 210-225-6500 | | Test Data Tag in Place? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If no, Inspector must affix test data tag. |
| Owner Address: PO Box 59 | | Galveston TX 77553 | | Waivers or Delays Requested? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, attach waiver/delay form and fees. |
| Number, Street, Suite No, Apt. No | | City | State | ZIP |
| Bldg Contact Name (Local): William P. Brendel | | Bldg Contact Phone: 210-225-6500 | | Repeat Violations? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Bldg Contact Address (Used for all correspondence): 320 Bonham | | San Antonio TX 78205 | | Due Date for Next 5-Year Safety Test: 5/2013 |
| Number, Street, Suite No, Apt. No | | City | State | ZIP |
| Door Restrictors? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Required | | Firefighters Service? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required | | Year Installed: 81 Year Altered: N/A |

| | | | | |
|---|----------------|----------------------|----------------|--|
| Type of Inspection: (check all that apply) Certificate will only be issued when an Annual or New Installation inspection is performed. <input checked="" type="checkbox"/> A - Annual <input type="checkbox"/> B - New Installation <input type="checkbox"/> C - Alteration <input type="checkbox"/> D - Re-Inspection <input type="checkbox"/> E - Accident <input type="checkbox"/> F - 5 Year Test <input type="checkbox"/> X - Other | | | | |
| Type of Unit: (check one) <input checked="" type="checkbox"/> Pass <input type="checkbox"/> Esc. <input type="checkbox"/> M.S. <input type="checkbox"/> Fit <input type="checkbox"/> W.L. <input type="checkbox"/> LULA <input type="checkbox"/> Other (specify): | | | | |
| Manufacturer: OTIS | | Model Type: MRV | | Serial #: 265912 |
| Speed: 200 | Capacity: 3500 | # of Car Openings: 1 | # of Floors: 8 | Drive Machine: (check one) <input checked="" type="checkbox"/> Electric <input type="checkbox"/> Hydraulic <input type="checkbox"/> Other (specify): |

| Item # | Rule | Code Year | Violations (Attach additional page(s) if necessary) |
|--------|-----------------|-----------|---|
| 1 | A17.1-8.6.4.7.1 | 2007 | Pit shall be kept free of dirt and rubbish. |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Comments:

Signatures Are Required For Certificate Processing.
I certify this is a true report of my inspection.

20059 William McPherson Jr.
TDLR INSP LIC # Inspector Name Printed

Inspector Signature

12/10/2009
Date Inspection Completed

I certify that all violations cited by the inspector (if any) have been corrected OR are under contract to be corrected. All required documents and fees are attached.
Owner/Agent Name Printed: William P. Brendel
Owner/Agent Signature: William P. Brendel
Date: 2/15/10



TEXAS DEPARTMENT OF LICENSING AND REGULATION

P.O. Box 12157 - Austin, Texas 78711-2157
1-800-803-9202 - (512) 463-6599 - FAX (512) 475-2871
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COPY 3325
Page ____ of ____

Elevator Equipment Report of Inspection

PURSUANT TO CHAPTER 754, HEALTH AND SAFETY CODES, SUBCHAPTER B,
INSPECTION, CERTIFICATION, AND REGISTRATION

| | |
|------------------|--------|
| RECEIVED | |
| TDLR MAIL ROOM 1 | |
| JUN 30 2009 | |
| RECEIPT# | AMOUNT |

| DO NOT WRITE IN THE FEE AREA IMMEDIATELY BELOW | | | |
|--|------------|-------------|------------|
| RECEIPT NUMBER | FEE AMOUNT | PMT. AMOUNT | MONEY TYPE |
| 09036885 | \$20.00 | | |

| DO NOT WRITE ABOVE THIS LINE | | | Elevator # 3 of 3 |
|--|--|--|-------------------|
| NOTE: THIS FORM MUST BE FILLED OUT COMPLETELY AND SUBMITTED WITH ATTACHMENTS IF NECESSARY. ALL INFORMATION MUST BE TYPED OR PRINTED IN INK. | | | |
| Bldg Name: Crocket Hotel | | Bldg Designation: | |
| Bldg Physical Location: 320 Bonham Street Number, Street, Suite No, Apt. No | | Decal #: 10070 | |
| San Antonio TX 78205 City State ZIP | | Test Data Tag in Place? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If no, inspector must affix test data tag. | |
| Owner Name: 1965 Historic Hotels | | Owner Phone: 409-763-8536 | |
| Owner Address: PO Box 59 | | Galveston Tx 77553 City State ZIP | |
| Bldg Contact Name (local): Hector Venegas | | Bldg Contact Phone: | |
| Bldg Contact Address (used for all correspondence): 204 Alamo Plaza Number, Street, Suite No, Apt. No | | Repeat Violations? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| San Antonio TX 78205 City State ZIP | | Due Date for Next 5 Year Safety Test: 2013 | |
| Test Performed? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | | Test Satisfactory? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| Year Installed: 81 | | Year Altered: N/A | |

Type of Inspection: (check all that apply) Certificate will only be issued when an Annual or New Installation Inspection is performed.
☐ A - Annual ☐ B - New Installation ☐ C - Alteration ☐ D - Re-Inspection ☐ E - Accident ☒ F - 5 Year Test ☐ X - Other

Type of Unit: (check one) ☒ Pass ☐ Esc. ☐ M.S ☐ Frl ☐ W.L. ☐ LULA ☐ Other (specify)

| | | | |
|--|--------------------|-------------------------|---|
| Manufacturer: OTIS | Model Type: MRV | Serial #: 653621 | Drive Machine: (check one) <input checked="" type="checkbox"/> Electric <input type="checkbox"/> Hydraulic |
| Speed: 200 | Capacity: 3500 | # of Car Openings: 1 | # of Floors: 8 |
| <input type="checkbox"/> Other (specify) | | | |

| Item # | Rule | Code Yr | Violations (If needed attach additional page (s).) |
|--------|--------------------|---------|---|
| 1 | A17.1-8.6.1.2.1(b) | 2007 | Provide instructions for locating maintenance control program in or the controller. |
| 2 | A17.3-2.7.4 | 2002 | Provide operable door restrictor. |
| 3 | A17.3-3.11.3 | 2002 | Provide smoke initiating device's in Mach. rm and elevator lobbies. |
| | | | |
| | | | |
| | | | |

Comments: Attach Additional Page if Necessary.

Signatures Are Required For Certificate Processing.

I certify this is a true report of my inspection.
20059 William McPherson

TDLR INSP LIC # Inspector Name Printed

Inspector Signature

10/16/08
Date

I certify that all violations cited by the Inspector (if any) have been corrected OR are under contract to be corrected. All required documents and fees are attached.

Owner/Agent Name Printed

Owner/Agent Signature

10/30/08
Date

ATTACHMENT #3-THE ACT

ELEVATORS, ESCALATORS, AND RELATED EQUIPMENT

Health and Safety Code, Chapter 754

Subchapter B. Inspection, Certification, and Registration

Administered by the Texas Department of Licensing and Regulation

(Effective June 17, 2011)

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Sec. 754.011. Definitions.

In this subchapter:

(1) “**Acceptance inspection**” means an inspection performed at the completion of the initial installation or alteration of equipment and in accordance with the applicable ASME Code A17.1.

(2) “**Accident**” means an event involving equipment that results in death or serious bodily injury to a person.

(3) “**Alteration**” means a change in or modernization of existing equipment. The term does not include maintenance, repair, replacement, or a cosmetic change that does not affect the operational safety of the equipment or diminish the safety of the equipment below the level required by the ASME Code A17.1, ASME Code A17.3, ASME Code A18.1, or ASCE Code 21, as applicable, at the time of alteration.

(4) “**Annual inspection**” means an inspection of equipment performed in a 12-month period in accordance with the applicable ASME Code A17.1, ASME Code A17.3, ASME Code A18.1, or ASCE Code 21. The term includes an acceptance inspection performed within that period.

(5) “**ASCE Code 21**” means the American Society of Civil Engineers Code 21 for people movers operated by cables, as it existed on January 1, 2004, or any subsequent revision of that code adopted after a review by the commission, as required by law.

(6) “**ASME Code A17.1**” means the American Society of Mechanical Engineers Safety Code for Elevators and Escalators (Bi-national standard with CSA B44-2007), ASME A17.1/CSA-B44, as it existed on January 1, 2004, or any subsequent revision of that code adopted after a review by the commission, as required by law.

(6-a) “**Executive Director**” means the executive director of the department.

(7) “**ASME Code A17.3**” means the 2002 American Society of Mechanical Engineers Safety Code for

Elevators and Escalators A17.3.

(8) "**ASME Code A18.1**" means the American Society of Mechanical Engineers Safety Code for Platform Lifts and Stairway Chairlifts A18.1, as it existed on January 1, 2004, or any subsequent revision of that code adopted after a review by the commission, as required by law.

(9) "**Board**" means the elevator advisory board.

(10) "**Commission**" means the Texas Commission of Licensing and Regulation.

(12) "**Contractor**" means a person engaged in the installation, repair, or maintenance of equipment. The term does not include an employee of a contractor of a person engaged in cleaning or any other work performed on equipment that does not affect the operational safety of the equipment or diminish the safety of the equipment below the level required by the ASME Code A17.1, ASME Code A18.1, or ASCE Code 21, as applicable.

(13) "**Department**" means the Texas Department of Licensing and Regulation.

(14) "**Equipment**" means an elevator, escalator, chairlift, platform lift, automated people mover operated by cables, or moving sidewalk, or related equipment.

(15) "**Industrial facility**" means a facility to which access is primarily limited to employees or contractors working in that facility.

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(16) "**Qualified historic building or facility**" means a building or facility that is:

(A) listed in or eligible for listing in the National Register of Historic Places; or

(B) designated as a Recorded Texas Historic Landmark or State Archeological Landmark.

(17) "**Related equipment**" means:

(A) automatic equipment that is used to move a person in a manner that is similar to that of an elevator, an escalator, a chairlift, a platform lift, an automated people mover operated by cables, or a moving sidewalk; and

(B) hoistways, pits, and machine rooms for equipment.

(18) "**Serious bodily injury**" means a major impairment to bodily function or serious dysfunction of any bodily organ or part requiring medical attention.

(19) "**Unit of equipment**" means one elevator, escalator, chairlift, platform lift, automated people mover operated by cables, or moving sidewalk, or related equipment.

Sec. 754.0111. Exemption.

(a) This subchapter does not apply to equipment in a private building for a labor union, trade association, private club, or charitable organization that has two or fewer floors.

(b) This subchapter does not apply to an elevator located in a single-family dwelling, except as provided by Section 754.0141.

Sec. 754.012. Elevator Advisory Board.

(a) The elevator advisory board is composed of nine members appointed by the presiding officer of the commission, with the commission's approval, as follows:

(1) a representative of the insurance industry or a certified elevator inspector;

(2) a representative of equipment constructors;

(3) a representative of owners or managers of a building having fewer than six stories and having equipment;

(4) a representative of owners or managers of a building having six stories or more and having equipment;

(5) a representative of independent equipment maintenance companies;

(6) a representative of equipment manufacturers;

(7) a licensed or registered engineer or architect;

(8) a public member; and

(9) a public member with a physical disability.

(b) Board members serve at the will of the commission.

(c) The presiding officer of the commission, with the commission's approval, shall appoint a presiding officer of the board to serve for two years.

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(d) The board shall meet at least twice each calendar year.

(e) A board member serves without compensation but is entitled to reimbursement for travel as provided for in the General Appropriations Act.

Sec. 754.013. Board Duties.

To protect public safety and to identify and correct potential hazards, the board shall advise the commission on:

- (1) the adoption of appropriate standards for the installation, alteration, operation, and inspection of equipment;
- (2) the status of equipment used by the public in this state;
- (3) sources of information relating to equipment safety;
- (4) public awareness programs related to elevator safety, including programs for sellers and buyers of single-family dwellings with elevators, chairlifts, or platform lifts; and
- (5) any other matter considered relevant by the commission.

Sec. 754.014. Standards Adopted by Commission.

(a) The commission shall adopt standards for the installation, maintenance, alteration, operation, and inspection of equipment used by the public in:

- (1) buildings owned or operated by the state, a state-owned institution or agency, or a political subdivision of the state; and

- (2) buildings that contain equipment that is open to the general public, including a hotel, motel, apartment house, boardinghouse, church, office building, shopping center, or other commercial establishment.

(b) Standards adopted by the commission may not contain requirements in addition to the requirements in the ASME Code A17.1, ASME Code A17.3, ASME Code A18.1, or ASCE Code 21. The standards must allow alteration of existing equipment if the alteration does not diminish the safety of the equipment below the level required by this subchapter at the time of alteration.

(c) Standards adopted by the commission must require equipment to comply with the installation requirements of the ASME Code A17.1, ASME Code A18.1, or ASCE Code 21 that was in effect and applicable on the date of installation of the equipment.

(d) Standards adopted by the commission must require equipment to comply with the installation requirements of the ASME Code A17.3 that contains minimum safety standards for all equipment, regardless of the date of installation.

(e) The executive director shall grant a delay for compliance with the applicable ASME Code A17.1, ASME Code A17.3, or ASME Code A18.1 until a specified time if compliance is not readily achievable, as that phrase is defined in the Americans with Disabilities Act (42 U.S.C. Section 12101 et seq.), or regulations adopted under that Act. The accumulated total time of all delays may not exceed three years, except as provided by Subsection (f) or as allowed in the discretion of the executive director.

(f) The executive director shall grant a delay until September 1, 2012, for compliance with the requirements for firefighter's service in the ASME Code A17.3 if those requirements were not included in the ASME Code A17.1 that was in effect on the date of installation and the equipment was not subsequently installed. This subsection expires October 1, 2012.

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(f-1) The executive director shall grant a delay until September 1, 2010, for compliance with the requirements for door restrictors in the ASME Code A17.3. This subsection expires October 1, 2010.

(g) The executive director may grant a waiver of compliance from an applicable code requirement if the executive director finds that:

- (1) the building in which the equipment is located is a qualified historic building or facility or the noncompliance is due to structural components of the building;
- (2) noncompliance will not constitute a significant threat to passenger safety; and
- (3) noncompliance, with adequate alternative safeguards, will not constitute a significant threat to worker safety.

(h) The executive director shall grant a waiver of compliance if the noncompliance resulted from compliance with a municipal equipment construction code at the time of the original installation and the noncompliance does not pose imminent and significant danger. The executive director may grant a waiver of compliance with the firefighter's service provisions of the ASME Code A17.1 or the ASME Code A17.3 in an elevator that exclusively serves a vehicle parking garage in a building that:

- (1) is used only for parking;
- (2) is constructed of noncombustible materials; and
- (3) is not greater than 75 feet in height.

(i) This subchapter does not apply to equipment in an industrial facility, or in a grain silo, radio antenna, bridge

tower, underground facility, or dam, to which access is limited primarily to employees of or working in that facility or structure.

(j) One application for a waiver or delay may contain all requests related to a unit of equipment. A delay may not be granted indefinitely but must be granted for a specified time not to exceed three years.

(k) For purposes of this section, the date of installation or alteration of equipment is the date the owner of the real property entered into a contract for the installation or alteration of the equipment. If that date cannot be established, the date of installation or alteration is the date of issuance of the municipal building permit under which the equipment was installed or altered or, if a municipal building permit was not issued, the date that electrical consumption began for the construction of the building in which the equipment was installed.

(l) Standards adopted by the commission may include and be guided by revised versions of ASME Code A17.1, ASME Code A18.1, and ASCE Code 21, as appropriate.

(m) The executive director may on application of a person and in accordance with procedures adopted by the commission, grant a variance to allow the installation of new technology if the new component, system, subsystem, function, or device is equivalent or superior to the standards adopted by the commission.

Sec. 754.0141. Standards for Equipment in Single-Family Dwellings; Required Information.

(a) Elevators, chairlifts, or platform lifts installed in a single-family dwelling on or after January 1, 2004, must comply with the ASME Code A17.1 or A18.1, as applicable, and must be inspected by a QEI-1 certified inspector after the installation is complete. The inspector shall provide the dwelling owner a copy of the inspection report.

(b) The commission shall, before January 1, 2004, adopt rules containing minimum safety standards that must be used by QEI-1 certified inspectors when inspecting elevators, chairlifts, and platform lifts installed in singlefamily dwellings.

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(c) A municipality may withhold a certificate of occupancy for a dwelling or for the installation of the elevator or chairlift until the owner provides a copy of the QEI-1 inspection report to the municipality.

(d) A contractor is not required to report to the department any information, concerning equipment in a singlefamily dwelling or the contractor's work on the equipment.

(e) On completing installation of equipment in a single-family dwelling, a contractor shall provide the dwelling owner with relevant information, in writing, about use, safety, and maintenance of the equipment, including the advisability of having the equipment periodically and timely inspected by a QEI-1 certified inspector.

(f) An inspection by a QEI-1 certified inspector of equipment in a single-family dwelling may be performed only at the request and with the consent of the owner. The owner of a single-family dwelling is not subject to Section 754.022, 754.023, or 754.024.

Sec. 754.015. Rules.

(a) The commission by rule shall provide for:

- (1) an annual inspection and certification of the equipment covered by standards adopted under this subchapter;
- (2) enforcement of those standards;
- (3) registration of qualified inspectors and contractors;
- (4) the form of inspection documents, contractor reports, and certificates of compliance;
- (5) notification to building owners, architects, and other building industry professionals regarding the necessity of annually inspecting equipment;
- (6) approval of continuing education programs for registered QEI-1 certified inspectors;
- (7) standards of conduct for individuals who are registered under this subchapter;
- (8) general liability insurance as a condition of contractor registration with coverage of not less than:
 - (A) \$1 million for each single occurrence of bodily injury or death; and
 - (B) \$500,000 for each single occurrence of property damage;
- (9) the submission and review of plans for the installation or alteration of equipment; and
- (10) continuing education requirements for renewal of contractor registration.

(b) The commission by rule may not:

- (1) require inspections of equipment to be made more often than every 12 months, except as provided by Subsection (c);
- (2) require persons to post a bond or furnish insurance or to have minimum experience or education as a condition of certification or registration, except as otherwise provided by this chapter; or

- (3) prohibit a QEI-1 certified inspector who is registered with the department from inspecting equipment.
- (c) The commission by rule may require a reinspection or recertification of equipment if the equipment has been altered and poses a significant threat to passenger or worker safety or if an annual inspection report indicates an existing violation has continued longer than permitted in a delay granted by the executive director.

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- (d) The executive director may charge a reasonable fee as set by the commission for:

- (1) registering or renewing registration of an inspector;
- (2) registering or renewing registration of a contractor;
- (3) applying for a certificate of compliance;
- (4) filing an inspection report as required by Section 754.019(a)(3), 30 days or more after the date the report is due, for each day the report remains not filed after the date the report is due;
- (5) submitting for review plans for the installation or alteration of equipment;
- (6) reviewing and approving continuing education providers and courses for renewal of contractor registration;
- (7) applying for a waiver, variance, or delay; and
- (8) attending a continuing education program sponsored by the department for registered QEI-1 inspectors.

Sec. 754.016. Inspection Reports and Certificates of Compliance.

- (a) Inspection reports and certificates of compliance required under this subchapter must cover all equipment in a building or structure appurtenant to the building, including a parking facility, that are owned by the same person or persons.

- (b) An inspector shall date and sign an inspection report and shall issue the report to the building owner not later than the 10th calendar day after the date of inspection.

- (c) The executive director shall date and sign a certificate of compliance and shall issue the certificate to the building owner. The certificate of compliance shall state:

- (1) that the equipment has been inspected by a certified inspector and found by the inspector to be in compliance, except for any delays or waivers granted by the executive director and stated in the certificate;

- (2) the date of the last inspection and the due date for the next inspection; and
- (3) contact information at the department to report a violation of this subchapter.

- (d) The commission by rule shall:

- (1) specify what information must be contained in a certificate of compliance;
- (2) describe the procedure by which a certificate of compliance is issued;
- (3) require that a certificate of compliance related to an elevator be posted in a publicly visible area of the building; and
- (4) determine what constitutes a "publicly visible area" under Subdivision (3).

Sec. 754.017. Certified Inspectors.

- (a) In order to inspect equipment, an individual must:

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- (1) be registered with the department;
- (2) attend educational programs approved by the department;
- (3) be certified as a QEI-1 inspector by an organization accredited by the American Society of Mechanical Engineers; and
- (4) pay all applicable fees.

- (b) A person assisting a certified inspector and working under the direct, on-site supervision of the inspector is not required to be certified.

- (c) A registration expires on the first anniversary of the date of issuance.

- (d) A certified inspector may not be required to attend more than seven hours of continuing education during each licensing period.

Sec. 754.0171. Contractor Registration.

- (a) A person may not install, repair, or maintain equipment without registering as a contractor with the department as required by this subchapter.

- (b) A contractor shall submit an application for registration or renewal of registration, as applicable, and pay appropriate fees to the department. The registration application form shall require:

- (1) information concerning the background, experience, and identity of the applicant;
- (2) designation of and information regarding the responsible party or parties under Section 754.0173; and
- (3) documentation of fulfillment of the continuing education requirements for renewal of registration, if applicable.
- (c) A registration expires on the first anniversary of the date of issuance.
- (d) A person registering as a contractor under this subchapter shall submit to the department an initial report, not later than the 60th day following the application date, containing:
 - (1) the street address of each building or location at which the person performed installation, repair, alteration, or maintenance of equipment for the previous two years; and
 - (2) the name and mailing address of the building owner.
- (e) After the initial report required by Subsection (d), a contractor registered as required by this subchapter shall submit to the department a quarterly report containing:
 - (1) the street address of each building or location at which the contractor performed installation, repair, alteration, or maintenance of equipment not reported in the contractor's initial report to the department under Subsection (d); and
 - (2) the name and mailing address of the building owner.
- (f) Installation, repair, alteration, and maintenance standards for contractors must be consistent with ASME Code A17.1, ASME Code A17.3, ASME Code A18.1, and ASCE Code 21.

Sec. 754.0172. Inspection Fee.

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The amount charged for an inspection or the performance of an inspection of equipment under this subchapter may not be contingent on the existence of a maintenance contract between the person performing the inspection and any other person.

Sec. 754.0173. Designation of Responsible Party or Parties.

- (a) Each contractor who registers with the department must designate at least one but not more than two responsible parties.
- (b) A responsible party designated under this section must:
 - (1) have a minimum of three years of elevator contractor experience related to elevator installation, repair, and maintenance; and
 - (2) comply with continuing education requirements as determined by commission rule in order for an elevator contractor to renew an elevator contractor registration.
- (c) The commission shall adopt rules regarding documentation of the completion of the continuing education to accompany the application for registration.
- (d) A responsible party may be added to or removed from the registration at any time by providing written notice to the department. If a responsible party is added to a registration, the written notice must include evidence that the responsible party meets the requirements of this section.

Sec. 754.0174. Continuing Education for Renewal of Contractor Registrations.

- (a) Each contractor's responsible party must complete continuing education requirements set by commission rule before the contractor may renew the contractor's registration.
- (b) A provider of continuing education under this section must:
 - (1) register with the department; and
 - (2) comply with rules adopted by the commission relating to continuing education for a designated responsible party.

Sec. 754.018. Powers of Municipalities.

Subject to Section 754.014(h), if a municipality operates a program for the installation, maintenance, alteration, inspection, or certification of equipment, this subchapter shall not apply to the equipment in that municipality, provided that the standards of installation, maintenance, alteration, inspection, and certification are at least equivalent to those contained in this subchapter.

Sec. 754.019. Duties of Real Property Owners.

- (a) The owner of real property on which equipment covered by this subchapter is located shall:
 - (1) have the equipment inspected annually by a certified inspector;
 - (2) obtain an inspection report from the inspector evidencing that all equipment in a building on the real property was inspected in accordance with this subchapter and rules adopted under this subchapter;
 - (3) file with the executive director each inspection report, and all applicable fees, not later than the 60th

day after the date on which an inspection is made under this subchapter;

(4) display the certificate of compliance:

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(A) in a publicly visible area of the building, as determined by commission rule under Section 754.016, if the certificate relates to an elevator;

(B) in the escalator box if the certificate relates to an escalator; or

(C) in a place designated by the executive director if the certificate relates to equipment other than an elevator or escalator; and

(5) display the inspection report at the locations designated in Subdivision (4) until a certificate of compliance is issued.

(b) When an inspection report is filed, the owner shall submit to the executive director, as applicable:

(1) verification that any deficiencies in the inspector's report have been remedied or that a bona fide contract to remedy the deficiencies has been entered into; or

(2) any application for delay or waiver of an applicable standard.

(c) For the purpose of determining timely filing under Subsection (a)(3) and Section 754.016(b), an inspection report and filing fees are considered filed on the earlier of:

(1) the date of personal delivery;

(2) the date of postmark by United States mail if properly addressed to the executive director.

(d) A fee may not be charged or collected for a certificate of compliance for an institution of higher education as defined in Section 61.003 Education Code

(e) An owner shall report to the department each accident involving equipment not later than 72 hours following the accident.

Sec. 754.020. Chief Elevator Inspector.

The executive director may appoint a chief elevator inspector to administer the equipment inspection and registration program. The chief elevator inspector:

(1) may not have a financial or commercial interest in the manufacture, maintenance, repair, inspection, installation, or sale of equipment; and

(2) must possess a QEI-1 certification or obtain the certification within six months after becoming chief inspector.

Sec. 754.021. List of Registered Inspectors and Contractors.

The executive director shall:

(1) compile a list of certified inspectors and contractors who are registered with the department; and

(2) employ personnel who are necessary to enforce this subchapter.

Sec. 754.022. Notice of Noncompliance.

If the department learns of a situation of noncompliance under Section 754.019, the department shall send notice by certified mail of the noncompliance and the actions required to remedy the noncompliance to the record owner of the real property on which the equipment that is the subject of the noncompliance is located.

Sec. 754.023. Investigation; Registration Proceedings; Injunction; Emergency Orders.

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(a) If there is good cause for the executive director to believe that equipment on real property poses an imminent and significant danger or that an accident involving equipment occurred on the property and serious bodily injury or property damage resulted, the executive director may enter the property during regular business hours after notice to the owner, operator, or person in charge of the property to inspect the equipment or investigate the danger or accident at no cost to the owner.

(b) The executive director may enter real property during regular business hours after notice to the owner, operator, or person in charge of the property to verify, at no cost to the owner, whether an inspection report or certificate of compliance has been displayed as required under section 754.019(a).

(c) The commission may deny, suspend, or revoke a registration under this subchapter and may assess an administrative penalty for:

(1) obtaining registration with the executive director by fraud or false representation;

(2) falsifying a report submitted to the executive director; or

(3) violating this subchapter or a rule adopted under this subchapter.

(d) Proceedings for the denial, suspension, or revocation of a registration and appeals from these proceedings are governed by Chapter 2001, Government Code.

- (e) The executive director is entitled to appropriate injunctive relief to prevent a violation or threatened violation of this subchapter or a rule adopted under this subchapter.
- (f) The executive director may bring suit in a district court in Travis County or in the county in which the violation or threatened violation occurs. If requested, the attorney general shall represent the executive director in the suit.
- (g) The executive director may issue an emergency order as necessary to enforce this subchapter if the executive director determines that an emergency exists requiring immediate action to protect the public health and safety.
- (h) The executive director may issue an emergency order with simultaneous notice and without hearing or with the notice and opportunity for hearing practicable under the circumstances.
- (i) If an emergency order is issued under this section without a hearing, the executive director shall set the time and place for a hearing to affirm, modify, or set aside the emergency order not later than the 10th day after the date the order was issued.
- (j) An emergency order may direct a building owner or manager to disconnect power to or lock out equipment if:
 - (1) the department determines imminent and significant danger to passenger safety exists if action is not taken immediately and reasonable effort has been made for voluntary compliance by notification to the building owner or manager of the danger before the issuance of an emergency order; or
 - (2) an annual inspection has not been performed in more than two years and:
 - (A) the department gives the building owner or manager, or the agent of the building owner or manager, 60 days' written notice by certified mail directing the equipment to be inspected according to this subchapter; and
 - (B) after the expiration of the notice period under Paragraph (A), the department gives the building owner or manager, or the agent of the building owner or manager, written notice by certified mail stating that an order to disconnect power or lock out equipment will be made after the seventh day after the date notice is delivered.

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- (k) If an emergency order to disconnect power or lock out equipment is issued, the building owner or manager may have the power reconnected or the equipment unlocked only if:
 - (1) a registered inspector or contractor or a department representative has filed a written form with the department verifying the imminent and significant danger has been removed by repair, replacement, or other means; and
 - (2) the building owner, before the reconnection of power or unlocking of equipment, reimburses the department for all expense incurred relating to the disconnection of power or lockout.
- (l) The executive director or the executive director's designee may allow delayed payment if the building owner or manager commits in writing to pay the department for the expenses required by Subsection (k) not later than the 10th day after the date power is reconnected or equipment is unlocked.
- (m) If an emergency order to disconnect power or lock out equipment is issued and the building owner later notifies the department that the imminent and significant danger no longer exists, the executive director or the executive director's designee shall, after the requirements of Subsection (k) are satisfied, promptly issue written permission to reconnect power or unlock the equipment and notify the owner.

Sec. 754.024. Criminal Penalty.

- (a) A person commits an offense if the person receives notice of noncompliance under Section 754.022 and the person has not remedied the noncompliance or entered into a bona fide contract to remedy the noncompliance before the 61st day after the date on which the notice is received.
- (b) An offense under this section is a Class C misdemeanor.
- (c) Each day of an offense under Subsection (a) constitutes a separate offense.

Sec. 754.025. Application of Certain Law.

- (a) Chapter 53, Occupations Code, applies to a registration under this subchapter.
- (b) Sections 51.401 and 51.404, Occupations Code, do not apply to this subchapter.

ATTACHMENT #4- THE RULES

ELEVATORS, ESCALATORS AND RELATED EQUIPMENT

*Administrative Rules of the Texas Department of Licensing and Regulation
 16 Texas Administrative Code, Chapter 74*

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Chapter 74, Elevators, Escalators

and Related Equipment Page 1-R December 15, 2009

74.1. Authority. (§74.1 effective January 7, 1994, 18 TexReg 9929; amended effective December 1, 2003, 28 TexReg 10460)

The sections in this chapter are promulgated under the authority of the Health and Safety Code, Chapter 754, Subchapter B, and Texas Occupations Code, Chapter 51.

74.10. Definitions. (§74.10 effective January 7, 1994, 18 TexReg 9929; amended effective June 21, 1994, 19 TexReg 4417; amended effective October 1, 1995, 20 TexReg 7279; amended effective August 1, 1999, 24 TexReg 5867; amended effective February 6, 2003, 28 TexReg 929; amended effective December 1, 2003, 28 TexReg 10460; amended effective February 1, 2006, 31 TexReg 488; amended effective February 1, 2008, 33 TexReg 749)

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **The Act**--Texas Health and Safety Code, Chapter 754, Elevators, Escalators, and Related Equipment.

(2) **Altered Equipment**--Any changed equipment, including its parts, components, and/or subsystems, other than maintenance, repair, or replacement. However, the term does include any repairs and replacements performed as part of any alteration(s).

(3) **Code Providers**--

(A) ASCE--American Society of Civil Engineers;

(B) ASCE 21--Automated People Mover Standards; and

(C) ASME--American Society of Mechanical Engineers.

(4) **ASME A17.1**--The ASME A17.1/CSA B 44-07 - "Safety Code for Elevators and Escalators" as adopted in §74.100.

(5) **ASME A17.2**--The currently published edition of "The Guide for Inspection of Elevators, Escalators, and Moving Walks".

(6) **ASME A17.3**--The ASME A17.3-2002, "Safety Code for Existing Elevators and Escalators."

(7) **ASME A18.1**--The ASME 18.1, "Safety Standards for Platforms Lifts and Stairway Chairlifts" as adopted in §74.100.

(8) **Automated People Mover (APM)**--a guided transit mode with fully automated operation, featuring vehicles that operate on guideways with exclusive right of way.

(9) **Building Owner**--The person or persons, company, corporation, authority, commission, board, governmental entity, institution, or any other entity that holds title to the subject building or facility.

For purposes under these rules and the Act, an owner may designate an agent.

(10) **Contractor**--A person, partnership, company, corporation, or other entity engaging in the installation, alteration, repair, or maintenance of equipment. The term does not include an employee of a contractor.

(11) **Delay**--Postponement of compliance with a requirement of the applicable ASME Safety Codes or ASCE Standard as adopted in §74.100, for a specific period of time.

(12) **Existing Equipment**--equipment installed or altered before September 1, 1993.

(13) **Inspection report**--A Department approved form used by the inspector to report the inspection results of one unit of equipment.

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(14) **Inspector**--A person engaged in the inspection of equipment for the purpose of determining compliance with these rules and adopted standards.

(15) **New Equipment**--equipment installed or altered on or after September 1, 1993.

(16) **Publicly visible area of building**--a location that is visible to the public in an elevator car or a common area lobby or hallway and accessible to the public at all times when any elevator is in operation, without the need for the viewer to obtain assistance or permission from building personnel.

(17) **Reportable Condition**--a condition which exists where a defect requires the equipment to be removed from operation to prevent a risk of serious injury to passengers, operators, or the general public.

(18) **Variance, New Technology**--Deferral of compliance with a requirement of the applicable ASME/ASCE Safety Codes to allow the installation of new technology if the new component, system, sub-system, function or device is found to be equivalent or superior to the standards adopted in §74.100. A new technology variance, once granted, may be applied to all like equipment installed in the state and a separate variance is not required for each installation. A variance applies to only one component, system, sub-system, function, or device. For example, one seeking a variance for a door system, a control system, and a suspension system would be required to file three separate variance applications.

(19) **Waiver**--Deferral of compliance with a requirement of the applicable ASME Safety Codes for an indefinite period of time.

74.20. Inspector Registration Requirements. (§74.20 effective January 7, 1994, 18 TexReg 9929; amended effective May 7, 1997, 22 TexReg 3779; amended effective August 1, 1999, 24 TexReg 5867; amended effective February 6, 2003, 28 TexReg 929; amended effective December 1, 2003, 28 TexReg 10460; amended effective February 1, 2006, 31 TexReg 488; amended effective February 1, 2008, 33 TexReg 749)

(a) An applicant registering with the Department as an inspector shall submit a completed application for registration on the forms provided by the Department. A completed application shall include:

(1) the original application fee referenced in §74.80; and

(2) a copy of both sides of a valid ASME QEI-1 elevator safety inspector certification card.

(b) Inspectors must complete an orientation session approved by the Department regarding Department forms, inspection procedures, and applicable law and rules.

(c) Registration renewal applications must be filed by the registration expiration date. Inspectors shall submit a completed registration renewal application on forms provided by the Department. A completed renewal application shall include:

(1) the renewal application fee referenced in §74.80; and

(2) a copy of both sides of a valid ASME QEI-1 elevator safety inspector certification card.

(d) Inspectors shall attend a law and rules update seminar conducted by the Department as part of their requirements to renew their registration, when required by the Executive Director.

(e) The inspector shall notify the Department in writing within 30 days of any changes to information submitted on the application or renewal forms.

74.25. Contractor Registration Requirements. (§74.25 effective December 1, 2003, 28 TexReg 10460; amended effective February 1, 2006, 31 TexReg 488; amended effective February 1, 2008, 33 TexReg 749)

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(a) A person registering with the Department as a contractor shall submit a completed application for registration on the forms provided by the Department. A complete application shall include the original application fee referenced in §74.80.

(b) Registration renewal applications must be filed by the expiration date. Contractors shall submit a completed registration renewal application on forms provided by the Department. A completed contractor registration

renewal application shall include the renewal application fee referenced in §74.80.

(c) The contractor shall notify the Department in writing within 30 days of any changes to information submitted on the application or renewal forms.

74.26. Reporting Requirements--Contractor. *(New section adopted effective February 1, 2008, 33 TexReg 749)*

(a) Contractors must submit to the Department reports regarding installation, repair, alteration, or maintenance jobs on a format approved by the Department.

(1) An initial report is due no later than 60 days of the application date and must include all jobs performed by the contractor during the two years prior to the application date.

(2) Quarterly reports are due each calendar year in accordance with the following schedule.

(A) 1st quarter--April 30

(B) 2nd quarter--July 31

(C) 3rd quarter--October 31

(D) 4th quarter--January 31 of the next year.

(3) Quarterly reports must only include all jobs performed in the quarter which have not been previously reported to the Department.

(b) Contractors are not required to file a report with the Department regarding the items listed in subsection (a) above for equipment located in a single family dwelling, for construction-use only elevators or equipment in a building owned and operated by the federal government.

(c) Contractors shall, by e-mail, fax, letter or telephone, report to the Building Owner and Department, within 24 hours of discovery, all equipment they encounter that has a reportable condition.

74.30. Exemptions. *(§74.30 effective January 7, 1994, 18 TexReg 9929; amended effective August 1, 1999, 24 TexReg 5867; amended effective February 6, 2003, 28 TexReg 929; amended effective December 1, 2003, 28 TexReg 10460; amended effective February 1, 2006, 31 TexReg 488)*

This chapter does not apply to:

(1) buildings owned and operated by the federal government;

(2) equipment regulated by a municipal inspection and certification program approved under §74.65(b);
and

(3) the following structures if access is limited primarily to employees:

(A) equipment in an industrial facility;

(B) grain silos;

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(C) radio antennas;

(D) bridge towers;

(E) underground facilities; and

(F) dams.

(4) equipment located in a private building of less than three stories that is used exclusively by a labor union, trade association, private club, or charitable organization; and

(5) elevators located in a single family dwelling except as provided by Health and Safety Code, §754.0141.

74.50. Reporting Requirements--Building Owner. *(§74.50 effective January 7, 1994, 18 TexReg 9929; amended effective October 1, 1995, 20 TexReg 7279; amended effective May 7, 1997, 22 TexReg 3779; amended effective August 1, 1999, 24 TexReg 5867; amended effective February 6, 2003, 28 TexReg 929; amended effective December 1, 2003, 28 TexReg 10460; amended effective February 1, 2006, 31 TexReg 488; amended effective February 1, 2008, 33 TexReg 749; amended effective December 15, 2009, 34 TexReg 8965)*

(a) To obtain a Certificate of Compliance, the building owner must submit to the Department within 60 days of the equipment inspection date, the following items:

(1) the application for Certificate of Compliance;

(2) a copy of the inspection reports for each unit of equipment;

(3) written documentation to verify that all violations of the applicable ASME Safety Codes or ASCE Standards as adopted in §74.100, cited on the inspection report, are in compliance with §74.70(a)(3);

(4) any application(s) for Delay or Waiver if applicable; and,

(5) all applicable fees.

(b) Requests to delay the installation of door restrictors until September 1, 2010, and provide firefighters' service until September 1, 2012, must be made on a Department approved form and include:

(1) verification that the building owner:

(A) provided written notification of the application to delay the installation of door restrictors

and/or providing firefighters' service and the plan of compliance to all tenants in the building; and

(B) will provide written notification of the application and the plan of compliance to delay installation of door restrictors and/or providing firefighters' service immediately upon request to any occupants in the building.

(2) the building owner plan of compliance; and

(3) all applicable fees.

(c) The owner shall notify the Department, in writing and within 30 days, of equipment that has been placed out of service. The equipment must be placed out of service in accordance with the definition in A17.1, "*installation placed out of service.*"

(d) The owner shall notify the Department, in writing and within 30 days, of an elevator that has had alterations converting the equipment to a material lift. The conversion shall comply with the applicable sections of A17.1.

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(e) The owner shall notify the Department, in writing and within 30 days, of a material lift that has had alterations converting the equipment to an elevator. The elevator must be inspected and brought into compliance with A17.1 as a new installation.

(f) When a Delay has been approved, the owner shall notify the Department, in writing within 30 days of the date of correction.

74.55. Reporting Requirements--Inspector. (*§74.55 effective August 1, 1999, 24 TexReg 5867; amended effective February 6, 2003, 28 TexReg 929; amended effective December 1, 2003, 28 TexReg 10460; amended effective February 1, 2006, 31 TexReg 488; amended effective February 1, 2008, 33 TexReg 749; amended effective August 1, 2009, 34 TexReg 4866*)

(a) For new installations or alterations the inspector shall provide a copy of the Elevator Equipment Inspection Form to the Department and the building owner not later than the 10th calendar day after completing the inspection.

(b) Inspectors, by e-mail, fax, letter or telephone, shall report to the Department, within 72 hours of discovery, all equipment they encounter that does not have a decal number.

(c) The inspector shall clearly note on the inspection report any equipment found with a reportable condition, and shall report it immediately by submitting a copy of the report to the building owner and by e-mail, fax, letter or telephone to the Department within 24 hours.

(d) Inspectors, by e-mail, fax, telephone, letter, or by using the Online Inspection Reporting System, for each piece of equipment inspected, shall report to the Department within 72 hours of completing an annual inspection, or an inspection of a new installation:

(1) The inspector's TDLR license number;

(2) The ELBI number of the equipment for annual inspections;

(3) The decal number of equipment; and

(4) The date of the inspection.

74.60. Standards of Conduct for Inspector or Contractor Registrants. (*§74.60 effective December 1, 2003, 28 TexReg 10460; amended effective February 1, 2006, 31 TexReg 488; amended effective February 1, 2008, 33 TexReg 749*)

(a) *Competency.* The registrant shall be knowledgeable of and adhere to the Act, these rules, the ASME Safety Codes or ASCE Standards as adopted in §74.100, and all procedures established by the Department for equipment inspections or performance of a contract to install, alter, repair, or maintain equipment. It is the obligation of the registrant to exercise reasonable judgment and skill in the performance of equipment inspections or performance of a contract to install, alter, repair, or maintain equipment.

(b) *Integrity.* A registrant shall be honest and trustworthy in the performance of equipment inspections or performance of a contract to install, alter, repair, or maintain equipment, and shall avoid misrepresentation and deceit in any fashion, whether by acts of commission or omission. Acts or practices that constitute threats, coercion, or extortion are prohibited. The registrant shall accurately and truthfully represent to any prospective client his/her capabilities and qualifications to perform the services to be rendered.

(c) *Interest.* The primary interest of the registrant is to ensure compliance with the Act, these rules, and the ASME Safety Codes or ASCE Standards adopted in §74.100, and all procedures established by the Department. The registrant's position, in this respect, should be clear to all parties concerned while conducting equipment inspections or completing the performance of a contract to install, alter, repair, or maintain equipment.

(d) *Conflict of Interest.* A registrant is obliged to avoid conflicts of interest and the appearance of conflicts of

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interest. A conflict of interest exists when an inspector performs or agrees to perform equipment inspections for a building in which he has a financial interest, whether direct or indirect. A conflict of interest also exists when a registrant's professional judgment and independence are affected by his/her family, business, property, or other personal interests or relationships.

(e) *Specific Rules of Conduct.* A registrant shall not:

- (1) participate, whether individually or in concert with others, in any plan, scheme, or arrangement attempting or having as its purpose the evasion of any provision of the Act, these rules, or the Standards adopted by the Commission;
- (2) knowingly furnish inaccurate, deceitful, or misleading information to the department, a building owner, or other person involved in equipment inspections or equipment contracts;
- (3) state or imply to a building owner that the department will grant a delay or waiver;
- (4) engage in any activity that constitutes dishonesty, misrepresentation, or fraud while performing equipment inspections or completing an equipment contract;
- (5) perform equipment inspections or complete an equipment contract in a negligent or incompetent manner;
- (6) perform equipment inspections in a building or facility in which the inspector registrant is an owner, either in whole or in part;
- (7) perform equipment inspections in a building or facility wherein the registrant, for compensation, participated in obtaining an equipment contract for the building;
- (8) indulge in advertising that is false, misleading, or deceptive;
- (9) misrepresent the amount or extent or prior education or experience to any client; or
- (10) hold out as being engaged in partnership or association with any person unless a partnership or association exists in fact.

(f) An inspector registrant may not perform inspections upon equipment for which the inspectors' employer also has a contract to perform installations, maintenance, repairs, replacements or alterations on that equipment.

(g) An inspector registrant shall withdraw from employment when it becomes apparent that it is not possible to faithfully discharge the duty and performance of services owed the client, but then only upon reasonable notice to the client.

74.65 Advisory Board (§74.65 effective February 3, 1994, 19 TexReg 508; amended effective October 1, 1995, 20 TexReg 7279; amended effective August 1, 1999, 24 TexReg 5867; amended effective February 6, 2003, 28 TexReg 929; amended effective December 1, 2003, 28 TexReg 10460; amended effective February 1, 2006, 31 TexReg 488)

(a) Board members will serve for staggered three year terms with two regulated industry positions and two consumer positions expiring in each of the first, second, and third years and one consumer position expiring in the third year. Terms shall expire November 1 of the third year of the member's term.

(b) If with the advice of the Elevator Advisory Board, the Executive Director determines that the standards of inspection and certification of a municipal inspection and certification program are at least equivalent to those contained in the Act, the municipal ordinance shall apply.

(c) Board meetings may be called by the Executive Director or the presiding officer.

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74.70. Responsibilities of the Building Owner. (§74.70 effective January 7, 1994, 18 TexReg 9929; amended effective October 1, 1995, 20 TexReg 7279; amended effective August 1, 1999, 24 TexReg 5867; amended effective February 6, 2003, 28 TexReg 929; amended effective December 1, 2003, 28 TexReg 10460; amended effective February 1, 2006, 31 TexReg 488; amended effective February 1, 2008, 33 TexReg 749)

(a) The building owner shall:

- (1) obtain the services of an inspector registered with the Department to perform inspections in accordance with §74.75 and §74.100;
- (2) keep the equipment free from reportable conditions;
- (3) have all violations cited on an inspection report;
 - (A) corrected within 60 calendar days of the date of inspection;
 - (B) have them under contract to be corrected and all work completed not later than the next inspection due date; or
 - (C) have an approved waiver or delay.

(b) The owner of the building in which equipment is located shall have such equipment inspected at an interval not to exceed every twelve (12) months to determine compliance with the applicable standards adopted in §74.100.

(c) The owner of the building in which the equipment is located must have available all maintenance and inspection records and maintenance control programs for the equipment during the life of the equipment as required by the applicable standards adopted in §74.100. These records and programs shall be available in the building.

(d) The building owner or the owner's representative must report all accidents, as defined in Texas Health and Safety Code, §754.011, involving equipment to the Department, using a Department approved form, within 72 hours of the accident. If the accident results in serious bodily injury or a fatality, the equipment shall be removed from service and shall not be moved (except as necessary to extricate an injured party or effect a lifesaving rescue) or returned to service until a representative of the Department completes an investigation and issues an approval to return the unit to service.

(e) The building owner shall ensure that all of the tests required by the applicable codes and standards adopted in §74.100 are performed.

(f) If any equipment is determined to have a reportable condition by inspection or other means, the building owner shall notify the Department in writing within 24 hours, and shall place the unsafe equipment out of operation until repairs to correct the reportable condition(s) are completed. After repairs have been completed, the building owner shall have the equipment re-inspected and re-certified and submit written verification to the Department that the reportable condition has been corrected before returning the equipment to service.

(g) New equipment installations must be inspected and tested to determine their safety and compliance with the requirements of the codes and standards as adopted in §74.100 before being placed in service. The equipment shall be free of any violations, unless a Waiver, Delay or New Technology Variance has been granted by the Department in writing, before being placed in service.

(h) Altered equipment must be inspected and tested to determine its safety and compliance with the requirements of the codes and standards as adopted in §74.100 before being placed back in service. The equipment shall be free of any violations, unless a Waiver, Delay or New Technology Variance has been granted by the Department in writing, before being placed back into service.

(i) Equipment must be tested to determine its safety and compliance with the requirements of the codes and standards as adopted in §74.100.

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(j) The owner of the building in which equipment is located must obtain a yearly certificate of compliance from the Department evidencing that each unit of equipment in the building is in compliance with the Act and all applicable rules and standards. The owner of the building must have a current Certificate of Compliance in order to operate equipment located in the building.

(k) The building owner must display the current Certificate of Compliance:

(1) if the certificate relates to an elevator,

(A) inside the elevator car not more than 7'0" or less than 3'0" above the finished car floor;

(B) outside the elevator car in the main elevator lobby within 10 feet of the elevator call button; or

(C) in a common area lobby or hallway location that is:

(i) accessible to the public without assistance or permission during all hours in which any elevator is in operation and

(ii) identified by a plaque mounted in the elevator car or within 10 feet of the elevator call button in the main elevator lobby. The font size for letters on the plaque shall be at least 18 and the plaque must state that the elevator is regulated by the Texas Department of Licensing and Regulation and include the department's telephone number 1-800-803-9202 and the building management's telephone number.

(2) if the certificate relates to an escalator, in a common area lobby or hallway location that is:

(A) accessible to the public without assistance or permission during all hours in which any escalator is in operation and

(B) identified by a plaque mounted within 10 feet of entry and exit of escalator in the main escalator lobby. The font size for letters on the plaque shall be at least 18 and the plaque must state that the escalator is regulated by the Texas Department of Licensing and Regulation and include the department's telephone number 1-800-803-9202 and the building management's telephone number.

(3) on the box containing the control circuitry if the certificate relates to a chairlift, platform lift, automated people mover operated by cables, moving sidewalk, or related equipment.

(l) The building owner must display an inspection report at the location defined in subsection (k), selected by the

owner, until a current certificate of compliance is issued by the Executive Director.

(m) The building owner must have equipment re-inspected and re-certified if the equipment:

- (1) has been altered;
- (2) has been determined to have a reportable condition;
- (3) has had any alteration made to the interior of elevator car enclosures or flooring; or
- (4) inspection report shows an existing violation has continued longer than permitted in a delay granted by the executive director.

(n) The building owner shall have copies of all current department issued Waivers, Delays, and New Technology Variances posted in the machine room/machinery space in a readily accessible and visible location available to elevator personnel.

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74.75. Responsibilities of the Inspector. (§74.75 effective August 1, 1999, 24 TexReg 5867; amended effective February 6, 2003, 28 TexReg 929; amended effective December 1, 2003, 28 TexReg 10460; amended effective February 1, 2006, 31 TexReg 488; amended effective February 1, 2008, 33 TexReg 749)

(a) Inspection procedures.

- (1) The inspector must inspect all equipment for compliance with the applicable ASME Safety Codes or ASCE Standards as adopted in §74.100.
- (2) Inspectors must use the currently published edition of ASME A17.2, and the “Guide for Inspection of Elevators, Escalators, and Moving Walks” to conduct inspections and witness tests for compliance with the ASME Safety Codes or ASCE Standards adopted in §74.100.
- (3) The inspector shall report to the building owner before beginning any inspections.
- (4) The inspector and the building owner must sign and date the inspection report.
- (5) The inspector shall not perform any of the tests.
- (6) On new or altered equipment installations, the inspector may perform an inspection prior to the installation being completed. However, on these installations the Department will only accept inspection reports for final inspections performed by the inspector after the installation is completed.

(b) Department forms.

- (1) The inspector must use current Department approved forms for reporting inspections.
- (2) The Department forms shall be filled out completely, and shall be used to report the inspections of existing equipment and final inspections of new or altered equipment.
- (3) The inspector must list all ASME Code violations by code number and code edition for each unit inspected, and include a written description of the violation on the Department Form. If the ASME Code refers to another code, the inspector must list both code numbers and include a written description of the violation.
- (4) The inspector may not use the official elevator equipment inspection form to report the results of an inspection to the owner of equipment located in a single-family dwelling, construction-use only elevator, or Federal Facility.

(c) Inspector's Equipment.

(1) Test Tags

- (A) The inspector must purchase test tags from the Department and shall be the person who attaches these tags to the inspected equipment.
- (B) The inspector shall inscribe all required information on each Department test tag. Department test tags shall not be replaced until after all date and signature spaces on the tag are filled.
- (C) Upon completion of the initial Acceptance test, Department test tags shall be attached to each individual piece of equipment on or adjacent to the equipment controller or main line disconnect so that it is in a conspicuous location.
- (D) All devices and adjustments required to be sealed by the adopted standard shall be sealed

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with wire rope and lead seal by the inspector witnessing the tests(s). Once a device or adjustment has been so sealed, there shall be no need to replace the seal unless it is broken for whatever reason, whereupon an inspector shall witness the test and provide a seal as prescribed herein prior to the unit being returned to service. The lead seal shall be crimped

onto the wire rope using a crimping tool bearing the Department's seal and the crimping tool number assigned to the inspector. An inspector may use the required crimping tool to seal lead seals provided by the manufacturer at the factory as long as the assigned number is legible.

(E) Inspector's equipment may be purchased from the Department for:

- (i) \$200 per 100 test tags (sold in multiples of 100); and
- (ii) \$10 per 100 wire ropes and lead seals (sold in multiples of 100).

(F) The inspector shall verify that contractor's test tags are placed on the equipment in conformance with the ASME Safety Codes or ASCE Standards adopted in §74.100.

(2) Decals

(A) Each unit of equipment shall be identified with a unique identification number decal issued by the Department, which the inspector must affix to the upper right hand corner of the control panel. The decal shall remain on the control panel for the life of the equipment.

(B) An additional Department decal shall not be affixed to equipment that has a current Department decal displayed.

(C) All correspondence and inspection reports shall reference the decal number and Department building ID number, as reflected on the Certificate of Compliance.

(D) If an inspector places a new decal on a unit of equipment to replace a lost or destroyed decal, the inspector must report the equipment's location, old decal number, and new decal number to the Department within ten calendar days of placing the new decal number upon the equipment.

74.80. Fees. (*§74.80 Effective January 7, 1994, 18 TexReg 9929; amended effective June 21, 1994, 19 TexReg 4417; amended effective October 1, 1995, 20 TexReg 7279; amended effective August 1, 1999, 24 TexReg 5867; amended effective December 1, 2000, 25 TexReg 11281; amended effective February 6, 2003, 28 TexReg 929; amended effective December 1, 2003, 28 TexReg 10460; amended effective February 1, 2006, 31 TexReg 488; amended effective February 1, 2008, 33 TexReg 749; amended effective June 1, 2008, 33 TexReg 4301*)

(a) Inspector registration fees.

(1) original--\$50

(2) renewal application--\$50

(3) Revised/Duplicate registration card--\$25

(b) Certificate of Compliance filing fees:

(1) submitted by building owner with a copy of inspection report within 60 days of the equipment inspection date-- \$20 per unit of equipment;

(2) \$10 late filing fee per each unit for every thirty (30) day period if the inspection report, filing fees, and verification about correcting deficiencies in the inspection report are filed after the 90th day from the equipment inspection date, and

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(3) \$25 per Revised/Duplicate Certificate.

(c) Waiver/Delay application fee: \$50 for each violation of the ASME Safety Codes or ASCE Standards as adopted in §74.100 per unit of equipment requested to be waived or delayed.

(d) Fees shall be charged and collected by the Department for a waiver or delay application for an institution of higher education.

(e) Contractor Registration fees

(1) original--\$115

(2) renewal application--\$115

(3) Revised/Duplicate registration card--\$25

(f) The fee for Department personnel to disconnect power or lockout equipment in a building shall be \$200 per hour. Travel and per diem costs shall be reimbursed by the building owner in accordance with the current rate as established in the current Appropriations Act. The Department shall present a billing statement to the building owner or representative after disconnecting the power or lockout that is payable upon receipt unless the Department receives in writing verification that the expenses would be paid no later than the 10th day after the date power is reconnected or equipment is unlocked. The fee for Department personnel to reconnect power or unlock equipment is the same to disconnect or lockout equipment.

(g) Late renewal fees for Inspector and Contractor registrations issued under this Chapter are provided under §60.83 of this title (relating to Late Renewal Fees).

(h) The fee for a Variance--New Technology application is \$2,500.

(i) The fee to file an appeal of a denial of an application for a Variance--New Technology is \$200.

74.85. Responsibilities of the Department. . (§74.85 effective December 1, 2003, 28 TexReg 10460; amended effective February 1, 2006, 31 TexReg 488; amended effective February 1, 2008, 33 TexReg 749)

(a) When issuing Certificates of Compliance the Department shall:

(1) Assure that each certificate includes the decal number, inspection date, building name and physical address, owner name and mailing address, inspector name and QEI #, current inspection date, the date of the last inspection, the due date of the next inspection, contact information at the department to report a violation, indicate status of correcting code violations and the Executive Director's signature and date.

(2) Use the following procedures to issue a Certificate of Compliance:

(A) review inspection report and fees received by the Department;

(B) review verification submitted by building owner indicating which code violations have been remedied and which code violations are under contract to be corrected;

(C) review Waiver/Delay application and fees received by the Department;

(D) notify building owner with a Notice of Incomplete Submittal asking for any missing inspection documents and fees; and

(E) notify building owner of any denied waiver or delay requests and ask for verification that

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violations have been remedied or under contract to be corrected.

(F) After a determination is made that the building owner submitted an inspection report with the correct amount of filing fees and all deficiencies in the inspection report have been corrected, or under contract to be corrected, or delay or waiver granted, then a certificate of compliance is issued for each unit of equipment.

(b) The Department shall provide notification to building owners, architects, and other building industry professionals regarding the necessity of annually inspecting equipment through the Department's website, press releases, and group presentations.

(c) Prior to the installation of any device, equipment or technology not permitted by the currently adopted standards, a request for New Technology Variance must be granted by the Department.

(1) Requests for New Technology Variances shall contain the following, if applicable:

(A) an enumeration and description of all the requirements of the adopted standard for which a new technology variance is being requested;

(B) documentary evidence to support a claim of equivalence or superiority to the requirements of the adopted standard;

(C) documentary evidence that the new technology is being or may be considered by the ASME code committee(s) for inclusion in a future standard;

(D) an estimated time frame for the approval of the new technology by the ASME code committee(s);

(E) any additional supporting evidence deemed by the applicant to be necessary to assist in making a determination; and

(F) the new technology variance application fees outlined in §74.80(h).

(2) The applicant shall be advised of the status of the application, in writing, not less often than quarterly.

(3) The applicant for a New Technology Variance shall be notified of the Department's decision in writing. If approved, the notification will itemize the specific code requirement deviations for which the variance(s) are approved.

(4) Appeal of Variance Denial.

(A) A denial of a Variance Application may be appealed to the Executive Director in writing within thirty (30) calendar days from issuance, upon payment of the applicable appeal fee.

Supporting documentation such as the Variance Application and all documentation filed to support the application may be submitted for consideration.

(B) The applicant may request, in writing, within ten (10) calendar days of notification of the Executive Director's decision, a review by the Texas Commission of Licensing and Regulation.

(C) When a Variance review determination has been made, the applicant shall be advised in

writing of the determination.

(D) The decision of the Executive Director regarding the Variance Application is final and binding on the applicant.

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(d) The Department may periodically review inspection reports to determine compliance with the applicable statutes and administrative rules.

(e) The Department may require inspector attendance at periodic rules and/or law update seminars conducted by the Department when the Executive Director determines such seminars to be necessary.

(f) The Department may conduct code, rule and law or other inspector training seminars where attendance by inspectors is not mandatory.

74.90. Sanctions. (§74.90 effective January 7, 1994, 18 TexReg 9929; amended effective October 1, 1995, 20 TexReg 7279; amended effective August 1, 1999, 24 TexReg 5867; amended effective February 6, 2003, 28 TexReg 929; amended effective February 1, 2006, 31 TexReg 488)

If a person violates Texas Health and Safety Code Annotated, Chapter 754, or a rule, or order of the Executive Director or Commission relating to the Act, proceedings may be instituted to impose administrative sanctions and/or recommend administrative penalties in accordance with the Act or Texas Occupations Code, Chapter 51, and 16 Texas Administrative Code, Chapter 60 and Chapter 74.

74.100. Technical Requirements. (§74.100 effective January 7, 1994, 18 TexReg 9929; amended effective June 21, 1994, 19 TexReg 4417; amended effective October 1, 1995, 20 TexReg 7279; amended effective May 7, 1997 22 TexReg 3379; amended effective August 1, 1999, 24 TexReg 5867; amended effective February 6, 2003, 28 TexReg 929; amended effective December 1, 2003, 28 TexReg 10460; amended effective February 1, 2008, 33 TexReg 749)

(a) The Department adopts the standards for the installation, maintenance, repair, replacement, alteration, testing, operation, and inspection of equipment that are contained in the following codes: ASME A17.1-2007/CSA B44-07 as amended below, ASME A17.3-2002, ASME A18.1-2005 and ASCE Codes 21.

(b) The following amendments shall be made to ASME A17.1-2007/CSA B44-07:

(1) Delete requirement 1.2.1(c) and all references to A17.7 within the adopted standard, preface and appendices.

(2) Delete requirement 8.10.2.2.1(q) emergency or standby power operation.

(3) Delete requirement 8.10.2.3.2(l) emergency or standby power alterations.

(4) Delete requirement 8.10.3.3.2(l) emergency or standby power alterations.

(5) Delete 8.11.2.2.7 standby or emergency power operation.

(6) Delete requirement 8.11.2.3.5 emergency and standby power operation.

(7) Delete requirement 8.11.3.2.3(f) standby power operation.

(8) Delete the reference to ASME A17.3 contained within Section 9.1.

(9) Delete Appendix E in its entirety.

(c) The effective dates of:

(1) ASME A17.1-2007/CSA B44-07 and the amendments in §74.100(b) shall be effective on September 1, 2008.

(2) ASME A18.1-2005 shall be effective September 1, 2008.

(3) ASME A17.3-2002 continues to be in effect.